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Washington, Friday, May 26, 1944

Regulations

TITLE 7—AGRICULTURE

Chapter XI—War Food Administration (Distribution Orders)

[WFO 79-2, Amdt. 4]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN ST. LOUIS METROPOLITAN SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-2 (8 F.R. 13365, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the St. Louis metropolitan milk sales area, is hereby further amended as follows:

1. By deleting § 1401.45 (a) (3) and substituting therefor the following:

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i) purchases in a previously bottled form milk, cream, skim milk, buttermilk, flavored milk drink, or skim milk beverage for delivery under a brand or trade name other than his own, and (ii) does not operate facilities for the processing and bottling of milk.

2. By deleting § 1401.45 (g) (3) and substituting therefor the following:

(3) Milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or skim milk beverage.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79-2, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-2, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E. O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-7453; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79-35, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN NEW ORLEANS, LA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79-35 (8 F.R. 13837, 9 F.R. 4319, as amended), relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the New Orleans, Louisiana, milk sales area, is hereby further amended by deleting therefrom the numeral "20" in § 1401.70 (1) (2) and inserting, in lieu thereof, the numeral "10."

The provision of this amendment shall become effective at 12: 01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79-35, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79-35, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 93^4, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44-7454; Filed, May 24, 1944; 1:32 p. m.]

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FEDERAL REGISTER

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at $3.00 per book. The following are now available:

Book 1: Titles 1–3 (Presidential documents) with tables and index.
Book 2: Titles 4–9, with index.
Book 3: Titles 10–17, with index.
Book 4: Titles 18–25, with index.

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[WFO 79–89, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CEDAR RAPIDS, IOWA, SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–89 (8 F.R. 15473, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Cedar Rapids, Iowa, milk sales area, is hereby further amended as follows:

1. By deleting § 1401.125 (a) (3) and substituting therefor the following:

(3) The term "sub-handler" means any handler, such as a peddler, vendor, subdealer, or secondary dealer, who (i) purchases in a previously bottled form milk, cream, skim milk, buttermilk, flavored milk drink, or skim milk beverage for delivery under a brand or trade name other than his own, and (ii) does not operate facilities for the processing and bottling of milk.

2. By deleting § 1401.125 (h) (3) and substituting therefor the following:

(3) Milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or skim milk beverage.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–89, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–89, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7455; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79–90, Amdt. 3]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN WATERLOO, IOWA, SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–90 (8 F.R. 15474, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Waterloo, Iowa, milk sales area, is hereby further amended as follows:

1. By deleting § 1401.126 (a) (3) and substituting therefor the following:

(3) The term "sub-handler" means any handler, such as a peddler, vendor, sub-dealer, or secondary dealer, who (i)

purchases in a previously bottled form milk, cream, skim milk, buttermilk, flavored milk drink, or skim milk beverage for delivery under a brand or trade name other than his own, and (ii) does not operate facilities for the processing and bottling of milk.

2. By deleting § 1401.126 (h) (3) and substituting therefor the following:

(3) Milk byproducts, one quart of skim milk, buttermilk, flavored milk drink, or skim milk beverage.

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–90, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–90, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7456; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79–121, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN JACKSON, MISS., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426; 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–121 (9 F.R. 639, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Jackson, Mississippi, milk sales area, is hereby further amended by deleting therefrom the numeral "20" in § 1401.154 (n) (2) and inserting, in lieu thereof, the numeral "10".

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–121, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–121, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322; 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7457; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79–130, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN LITTLE ROCK, ARK., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–130 (9 F.R. 650, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Little Rock, Arkansas, milk sales area, is hereby further amended by deleting therefrom the numeral "20" in § 1401.166 (n) (2) and inserting in lieu thereof, the numeral "10."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–130, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–130, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7458; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79–136, Amdt. 1]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN AUGUSTA, GA., SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–136 (9 F.R. 1408, 9 F.R. 4319) as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Augusta, Georgia, milk sales area, is hereby further amended by deleting therefrom the numeral "20" in § 1401.171 (n) (2) and inserting, in lieu thereof, the numeral "10."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–136, as amended, rights accrued, or liabilities incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–136, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7459; Filed, May 24, 1944; 1:32 p. m.]

[WFO 79–142, Amdt. 2]

PART 1401—DAIRY PRODUCTS

FLUID MILK AND CREAM IN CONNECTICUT SALES AREA

Pursuant to War Food Order No. 79 (8 F.R. 12426, 9 F.R. 4319), dated September 7, 1943, as amended, and to effectuate the purposes thereof, War Food Order No. 79–142 (9 F.R. 2534, 9 F.R. 4319), as amended, relative to the conservation and distribution of fluid milk, milk byproducts, and cream in the Connecticut milk sales area, is hereby further amended by deleting therefrom the numeral "20" in § 1401–175 (1) (2) and inserting, in lieu thereof, the numeral "10."

The provisions of this amendment shall become effective at 12:01 a. m., e. w. t., June 1, 1944. With respect to violations of said War Food Order No. 79–142, as amended, rights accrued, or liabilties incurred thereunder, prior to the effective time of this amendment, said War Food Order No. 79–142, as amended, shall continue in full force and effect for the purpose of sustaining any suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 79, 8 F.R. 12426, 13283, 9 F.R. 4319)

Issued this 23d day of May 1944.

C. W. KITCHEN,
Acting Director of Distribution.

[F. R. Doc. 44–7460; Filed, May 24, 1944; 1:32 p. m.]

[Suspension Order Docket No. FDA–NE–64]

PART 1590—SUSPENSION ORDERS

DEEMS ICE CREAM CORP.

An order was issued in the above-entitled matter on October 4, 1943, which, in part, limited the utilization of milk solids by Deems Ice Cream Corporation, (the "respondent") in the production or manufacture of frozen dairy foods or mix during the allocation periods of May and June 1944, pursuant to Food Distribution Order 8. On May 1, 1944, War Food Order 8 (formerly designated as Food Distribution Order 8) was amended to provide, in part, that the permissible utilization of milk solids in the production or manufacture of frozen dairy foods or mix during the allocation periods of May and June 1944 be increased from 65 percent of the total milk solids utilized during the corresponding portion of the base period to 75 percent of the total milk solids utilized during the corresponding portion of the base period. In the interests of assuring the efficient use and distribution of dairy products to meet war and essential civilian needs,

it has been concluded that this general increase in the permissible utilization of milk solids should be extended to Deems Ice Cream Corporation. *It is therefore ordered,* That:

Section 1590.5 (c) (2) of the order heretofore issued in the above-entitled matter on October 4, 1943, be and the same hereby is amended to read as follows:

(2) During the allocation periods April, May and June, 1944, respectively, the respondeent's utilization of milk solids in the production or manufacture of frozen dairy foods or mix shall not exceed 2,892 lbs., 9,666 lbs., and 10,087 lbs., respectively.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; and Delegations of Authority, 8 F.R. 13696, 14251 and 16497)

Issued this 25th day of May 1944.

C. W. KITCHEN,
Deputy Director,
Office of Distribution.

[F. R. Doc. 44-7505; Filed, May 25, 1944; 11:25 a. m.]

[Suspension Order Docket No. FDA-NE-60]

PART 1590—SUSPENSION ORDERS

SUNNYDALE ICE CREAM CO., INC.

An order was issued in the above-entitled matter on September 27, 1943, which, in part, limited the utilization of milk solids by Sunnydale Ice Cream Co., Inc., (the "respondent") in the production or manufacture of frozen dairy foods or mix during the allocation periods of May and June 1944, pursuant to Food Distribution Order 8. On May 1, 1944, War Food Order 8 (formerly designated as Food Distribution Order 8) was amended to provide, in part, that the permissible utilization of milk solids in the production or manufacture of frozen dairy foods or mix during the allocation periods of May and June 1944 be increased from 65 percent of the total milk solids utilized during the corresponding portion of the base period to 75 percent of the total milk solids utilized during the corresponding portion of the base period. In the interests of assuring the efficient use and distribution of dairy products to meet war and essential civilian needs, it has been concluded that this general increase in the permissible utilization of milk solids should be extended to Sunnydale Ice Cream Co., Inc.

It is therefore ordered, That:

Section 1590.6 (c) (4) and (5), respectively, of the order heretofore issued in the above-entitled matter on September 27, 1943, be and the same hereby is amended to read as follows:

(4) During the allocation period May 1944, respondent's utilization of milk solids in the production or manufacture of mix for sale as mix shall not exceed 3,174 lbs., and in the production or manufacture of frozen dairy foods, 7,132 lbs.

(5) During the allocation period June 1944, respondent's utilization of milk solids in the production or manufacture of mix for sale as mix shall not exceed 5,014 lbs., and in the production or manufacture of frozen dairy foods shall not exceed 11,012 lbs.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; and Delegations of Authority, 8 F.R. 13696, 14251 and 16497)

Issued this 25th day of May 1944.

C. W. KITCHEN,
Deputy Director,
Office of Distribution.

[F. R. Doc. 44-7504; Filed, May 25, 1944; 11:25 a. m.]

Chapter X—War Food Administration (Production Orders)

[WFO 14, Supp. Order 1, Rev. 1, Amdt. 2]

PART 1202—FARM MACHINERY AND EQUIPMENT

NEW FARM MACHINERY AND EQUIPMENT

Supplementary Order No. 1, Revision No. 1,[1] to War Food Order No. 14 (formerly Food Production Order No. 14)[2] is hereby amended by adding the following section:

§ 1202.313 *Farm machinery and equipment produced under Schedule B or WPB Order L-257*—(a) *Transfer by manufacturers.* Until the further order of the War Food Administrator, a manufacturer may transfer not in excess of 70 percent of his scheduled production of any item of farm machinery and equipment listed on Schedules I or II of this supplementary order, and 100 percent of his scheduled production of any item listed on Schedule III of this supplementary order, which is produced under Schedule B[3] of War Production Board Order L-257[4]. In the case of Schedule I or Schedule II equipment, whenever a transfer is made to a dealer, either by a manufacturer or his distributor, the manufacturer shall give, or cause his distributor to give on his behalf, a written notice in the form provided in Exhibit D, attached hereto, to the State AAA Committee of the State for which the item of equipment is intended for ultimate transfer for use. Unless otherwise authorized by the appropriate State AAA Committee, the maximum quantity of any item of Schedule I equipment, which a manufacturer or his distributor may transfer for ultimate transfer for use in any county, shall not exceed 70 percent of the quantity which the manufacturer was authorized to transfer for such county on and after July 1, 1943, under other provisions of this supplementary order. Whenever a manufacturer shall have transferred 50 percent of his scheduled production of any item of equipment listed on Schedules I or II pursuant to this paragraph, he shall notify the Director in writing accordingly.

(b) *Application of other provisions of War Food Order No. 14 and Supplementary Order No. 1.* Paragraph (c) of § 1202.304 of this supplementary order shall not be applicable to any farm machinery and equipment scheduled for production under Schedule B of War Production Board Order L-257. Otherwise, nothing in this section shall be construed to waive the requirements of other applicable provisions of War Food Order No. 14 or of this supplementary order, including the requirement of a purchase certificate in the case of a transfer for use.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(54 Stat. 676, 55 Stat. 236, 56 Stat. 176; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 24th day of May 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[1] 8 F.R. 17458, 9 F.R. 1003.
[2] 8 F.R. 17456, 9 F.R. 4319.
[3] 9 F.R. 1417.
[4] 9 F.R. 8199.

EXHIBIT D

NOTIFICATION OF SHIPMENT OF SCHEDULES I AND II ITEMS (PRODUCED UNDER SCHEDULE B OF ORDER L-257)

To: *State AAA Committee.*

As required by Amendment 2 to Supplementary Order 1 to WFO-14, this is to notify you that the following farm equipment will be shipped about _____, 194__ for retail sale in the State of _____, and in the case of Schedule I equipment, in the counties indicated below.

This production is authorized by Schedule B of War Production Board Order L-257.

_____
(Name of manufacturer, branch house, or distributor)

_____
(Address)

Name of implement	Item No. (required for tractors, corn pickers and combines only)	No. units	County (not required for schedule II items)	Dealer's name and address (may be supplied at manufacturer's option)

(Continue, if necessary)

[F. R. Doc. 44-7503; Filed, May 25, 1944; 11:24 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM

MISCELLANEOUS AMENDMENTS

The regulations in §§ 79.1 to 79.64, pertaining to the prescribed service uniform, are amended as follows. These regulations are also contained in Army Regulations No. 600–35, 31 March 1944. Sections within this series (§§ 79.1–79.64) not mentioned herein are retained without change.

GENERAL

In § 79.1 paragraph (c) is amended and (d) is added:

§ 79.1 *General.* * * *

(c) Whenever changes in design or material of uniforms are prescribed by War Department directives, all personnel affected are authorized to wear out existing articles. Articles procured or manufactured after promulgation of the changes will be of the new type.

(d) For prescribed service uniform for Army Hostess and Librarian Service; Army Nurse Corps, Physical Therapy Aides and Hospital Dietitions; and Women's Army Corps, see §§ 57.31–57.33, 79.70–79.80 and 79.90–79.95, respectively. [Par. 1]

Section 79.2 is amended as follows:

§ 79.2 *Adopted standards of cloths.* The standards of cloths are as follows:

(a) *For officers, warrant officers, and flight officers*—(1) *For winter uniform*—(i) *Coats; caps, service; caps, garrison*—(*a*) *Fabrics.* Wool, elastique, barathea, or whipcord, 14½–26-ounce.

(*b*) *Color.* Olive-drab shade No. 51 (dark shade).

(ii) *Breeches and trousers*—(*a*) *Fabrics.* Wool, elastique, barathea, or whipcord, 14½–26-ounce.

(*b*) *Color.* Olive-drab shade No. 51 (dark shade). Drab shade No. 54 (light shade).

(iii) *Shirts*—(*a*) *Fabrics:*

Wool. Plain or twill weave worsted shirting, 10½-ounce.

Cotton: Broadcloth. Poplin.

Other. All authorized summer uniform fabrics listed in (*b*) below.

(*b*) *Color:*

Wool fabrics. Olive-drab shade No. 51 (dark shade). Drab shade No. 54 (light shade). Khaki shade No. 1. Olive-drab shade No. 50.

Cotton fabrics. Khaki shade No. 1.

(iv) *Overcoats*—(*a*) *Field, long:*

Fabric. Cotton cloth, wind resistant and water repellant poplin or twill, 5-ounce.

Color. Olive-drab shades No. 2 and No. 7.

(*b*) *Short:*

Fabrics. Beaver, 26–32-ounce. Doeskin, 26–32-ounce. Kersey, 26–32-ounce. Melton, 26–32-ounce.

Color. Olive-drab No. 52.

(v) *Jacket, field*—(*a*) *Fabric.* Cotton cloth, wind resistant and water repellant.

(*b*) *Color.* Olive-drab shade No. 7.

(2) *For summer uniform.* Coats; breeches; trousers; shirts; caps; service; caps, garrison.

(i) *Fabrics.* (*a*) Cotton, 6 or 8.2-ounce (6-ounce to be used only for shirts).

(*b*) Rayon, plain or twill weave.

(*c*) Cotton warp, mohair filling.

(*d*) Worsted, tropical.

(*e*) Garbardine.

(ii) *Color.* Khaki shade No. 1.

(3) *Neckties*—(i) *Fabric.* Cotton warp, mohair filling.

(ii) *Color.* Khaki shade No. 5.

(b) *For enlisted men.* As issued.

(c) *For aviation cadets.* As issued. [Par. 2]

Section 79.4 is amended as follows:

§ 79.4 *Fitting of uniforms.* The correct fitting of uniforms is so necessary to the military appearance of a command that it is made the distinct duty of all commanding officers of every grade personally to see that each member of his command is properly fitted with a smart uniform. The company or detachment commander will be held responsible that his men have properly fitting uniforms. [Par. 4]

VARIOUS ARTICLES OF CLOTHING

Sections 79.5 and 79.6 are amended as follows:

§ 79.5 *Application of regulations contained in §§ 79.6–79.16.* Except as otherwise specifically prescribed, the regulations contained in §§ 79.6–79.16 apply to, and only to, articles for officers, warrant officers, and flight officers. All articles of uniform for wear by the General of the Armies, the Chief of Staff, and former Chiefs of Staff are such as each may prescribe for himself. [Par. 5]

§ 79.6 *Belt, waist.* A 1¼-inch olive-drab web belt equipped with an adopted buckle. [Par. 6]

In § 79.8 paragraph (d) is amended as follows:

§ 79.8 *Buttons.* * * *

(d) *For enlisted men.* Same description as in (a) (1) above.

For coats 36 ligne (9/10 inch) and 25 ligne (5/8 inch); for caps 25 ligne (5/8 inch); for overcoats 45 ligne (1⅛ inches) of gold color metal or olive-drab plastic. [Par. 8]

Section 79.9 is amended as follows:

§ 79.9 *Coat, service*—(a) *Winter; for officers, warrant officers, and flight officers*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (i)).

(2) *Design*—(i) *General description.* A single-breasted collar and lapel coat; lining, if desired, to be of a matching color. To fit easy over the chest and shoulders and to be fitted slightly at the waist to conform to the figure. The back to be plain. Buttoned down the front with four buttons equally spaced, the three top buttons to be large regulation coat buttons and the bottom button to be a plain four-hole 36-ligne button of bone, plastic, or other suitable material of a color closely approximating that of the coat. The crossing of the lapels will be approximately 1¾ inches above the top button. A matching cloth belt 1¾ inches in width having a mitered end and equipped with a 1¾-inch tongueless bar buckle with rounded corners, raised polished rims and horizontally lined background of gold color metal ¼ inch in width. The belt may be either fully detachable or sewed down around the waistline to a point approximately 2½ inches from front edge of coat on each side at the option of the individual. When the belt is detachable, provision will be made for two 9/16-inch cloth belt loops placed at the side seams sewed on so that they will not mar the coat if removed for a sewed-on belt. The belt will cover the horizontal seam at the waistline and the buckle will be centered over the bottom button of the coat when buttoned. The mitered end of the belt will pass through the buckle to the left, extend not more than 3 inches beyond the buckle, and may be held in place by a cloth keeper 9/16 inch in width.

(ii) *Collar and lapel.* The collar to be approximately 15½ inches for a 36-inch chest (relative measurements) and to be measured along the outside edge with the ends cut back slightly, and not wider than 1¾ inches at the back seam nor wider than 3 inches at the junction with the lapel.

The top line of the lapel to be horizontal and the peak to extend approximately 5/8 inch beyond the collar line prolonged.

The opening notch between the collar and lapel to be approximately 1¾ inches in depth, separated approximately ⅛ inch on the end.

(iii) *Pockets.* There will be four outside pockets, two upper and two lower, covered with flaps, buttoned with small regulation coat buttons at the center and placed so that the upper lines are horizontal. The two upper pockets to be patch pockets slightly rounded at the lower corners, with a box plait 1½ inches in width on the vertical center line. The flaps to be rounded slightly at the corners and reaching to a slight point at the center. The flap buttons to be on line with the top button of coat.

The two lower pockets to be hung inside the body of the skirt, covered by flaps with the lower corners slightly rounded and the lower edge horizontal. The pockets to be attached to the body of the skirt only at the mouth. The top lines of the lower pocket flaps to be placed slightly below the belt.

The pockets will be of suitable size according to the size of the coat, but in no case will they exceed the following dimensions:

(*a*) *Upper pockets.* Depth 6½ inches; width at top 5¾ inches, at bottom 5¾ inches.

(*b*) *Lower pockets.* Depth 10 inches, width at top 8½ inches, at bottom 12 inches.

(iv) *Shoulder loops.* On each shoulder a loop of same material as the coat, let in at the sleeve head seam and reaching to approximately ¾ inch beneath the collar, buttoning at the collar edge with a small regulation coat button. Loops to be about 2½ inches in width at lower end and 1½ inches in width at collar edge and cross-stitched down to shoulder for a distance of about 2 inches from lower end.

(v) *Skirt.* The skirt to be full with a slight flare, to extend 1 to 2 inches below the crotch, according to the height of the wearer, with a slit in the back extending from the waistline to the skirt following the back seam with an underlap of approximately 3 inches. The front overlapping left edge of coat to be cut with a pronounced flare to the right

from the bottom button to the bottom of the skirt, so as to appear straight from the lapel opening to the bottom of the coat and to remain overlapped not less than 4 inches when in a standing position, without the use of hooks and eyes, the fullness necessary to accomplish this result being over the hips.

(vi) *Ornamentation.* For officers a band of olive-drab braid ½ inch in width on each sleeve, the lower edge 3 inches from end of sleeve. For warrant officers and enlisted men who served honorably as commissioned officers in the first World War a similar band of forest green braid similarly placed. Other warrant officers and flight officers will have no braid on the sleeves.

(b) *Summer, for officers, warrant officers, and flight officers*—(1) *Material.* Of adopted standard (§ 79.2 (a) (2)).

(2) *Design*—(i) *General description.* A single-breasted semiform-fitting sack coat, extending to crotch, with no pronounced flare or waistline seam. To fit easily over the chest and shoulders and to be fitted slightly at the waist to conform to the figure. The left front to appear straight from top button to bottom of front; buttoned down the front with four large regulation coat buttons equally spaced. Sufficient flare to be on the right front in order to remain underlapped. All buttons to be detachable.

(ii) *Back.* A vent in the back to extend from immediately below waistline to bottom, following the back seam and with an underlap of approximately 2½ inches.

(iii) *Collar and lapel.* The collar to measure approximately 1⅝ inches in width at the back, the opening between collar end and lapel not to exceed ½ inch. The lapels to be semipeaked, not wider than ½ inch more than the collar end, and the top edge to be horizontal.

(iv) *Shoulder loops.* On each shoulder a loop, let in at the sleeve head seam and reaching to edge of collar. Upper end pointed and buttoned to coat with a small regulation coat button. Loops to be above 2½ inches in width at lower end and 1½ inches in width at collar edge and cross-stitched down to shoulder for a distance of about 2 inches from lower end.

(v) *Ornamentation.* For officers a band of khaki color braid ½ inch in width on each sleeve, the lower edge 3 inches from end of sleeve. For warrant officers who served honorably as commissioned officers in the first World War a similar band of forest green braid similarly placed. Other warrant officers and flight officers will have no braid on the sleeves.

(vi) *Pockets.* Four outside pockets, two upper and two lower, of suitable size according to size of coat. Each pocket covered with a flap, pointed at corners and center, buttoned at center with a small regulation coat button, and placed with upper edges in a prolonged horizontal line.

(*a*) *Upper.* The two upper pockets to be patch pockets, slightly rounded at lower corners, with a box plait 1½ inches in width on the vertical center line. The following dimensions are not to be exceeded: Depth, 6½ inches; width at top, 5 inches; at bottom, 5 inches. The flap buttons to be on a line with the top button of coat. Lower outside corners of top pocket flaps may be blind-tacked.

(*b*) *Lower.* The two lower pockets to be hung inside the coat with the opening in the body below waistline. The following dimensions are not to be exceeded: Depth, 9 inches; width at top, 7 inches; at bottom, 8 inches. [Par. 9]

Section 79.10 is amended as follows:

§ 79.10 *Footgear*—(a) *Boots; for officers, warrant officers, and flight officers*—(1) *Field.* Army russet leather, legging top pattern, with three buckles on the side or with laces.

(2) *Rubber.* Russet, waterproof, commercial pattern.

(b) *Boots, combat; for officers, warrant officers, flight officers, and enlisted men.* Of adopted standard and design.

(c) *Leggings, canvas; for officers, warrant officers, flight officers, and enlisted men.* Of adopted standard and design.

(d) *Shoes; for officers, warrant officers, and flight officers.* Commercial pattern, high or low, Army russet leather. [Par. 10].

Section 79.11 is amended as follows:

§ 79.11 *Gloves*—(a) *Officers, warrant officers, and flight officers.* (1) Chamois leather or chamois color material.

(2) White cotton or lisle.

(3) Leather of Army russet color, lined or unlined, snap fastener, pull-on or buckle type.

(4) Wool, olive-drab.

(b) *Enlisted men.* As issued. [Par. 11]

Section 79.12 is amended as follows:

§ 79.12 *Headgear*—(a) *Cap, garrison.* For officers, warrant officers, flight officers, and enlisted men.

(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (i) and (2)).

(2) *General description.* A standard adopted design with curtain and with a cord edge braid as indicated in § 79.23.

(b) *Cap, service*—(1) *Officers and warrant officers, except of Army Air Forces*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) (i) and (2)), or felted fur, olive-drab, dark shade.

(ii) *General description.* Of adopted design about 11¼ inches from front to rear and 10½ inches from side to side, based on size 7⅛, stiffened in front by springs and falling without stiffening to the rear; two eyelets ½ inch from the welt seam and about ¾ inch on each side of side seam of quarters. Top to be stiffened at rim with grommet and cloth on top of crown to be slack. The grommet used to stiffen the rim will be flat 3/16 inch in width (measurements of crown above to be made with grommet in position in cap), inside of top to have a waterproof material cut to the size of the crown.

Top of visor of Army russet leather lined with embossed green hatters' leather, waterproofed. Greatest width of visor about 2 3/16 inches and slope from vertical about 55°.

Chin strap of Army russet leather, ¾ inch in width and 9½ inches in length fastened at each end of visor with small regulation cap button.

A band of braid, olive-drab shade No. 53, for winter cap and khaki shade No. 5 for summer cap, about 1⅞ inches in width around entire cap.

(2) *Officers and warrant officers of Army Air Forces and flight officers*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) (i) and (2)), or felted fur, olive-drab, dark shade.

(ii) *General description.* A cap of similar design to that described in subparagraph (1) of this paragraph except front spring stiffening may be omitted and the grommet may be removed.

(3) *Female medical officers.* Of adopted design about 10¼ inches from side to side based on size 23, with visor of Army russet leather (white on dress cap) 2 3/16 inches in width at the center with slope from vertical about 55°; chin strap of Army russet leather (white on dress cap) ⅝ inch in width and 10½ inches in length, fastened at each end of visor with small regulation cap button; one center eyelet 1⅛ inches below the top of the crown to accommodate the cap insignia; inside of the top to have a waterproof material cut to the size of the crown. A band of olive-drab braid (white braid on dress cap) about 1⅛ inches in width around entire cap.

(4) *Enlisted men.* As issued; similar type of cap without band of braid.

(c) *Cap, field, cotton, olive-drab, with visor.* For officers, warrant officers, flight officers, and enlisted men.

(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (v)).

(2) *General description.* A standard adopted design with ear flaps and visor.

(d) *Cap, field, pile.* For officers, warrant officers, flight officers, and enlisted men.

(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (v)) and pile.

(2) *General description.* A standard adopted design with visor and shawl, equipped with tie cords.

(e) *Cap, wool, knit, M1941.* For officers, warrant officers, flight officers, and enlisted men.

(1) *Material.* Olive drab, wool knit.

(2) *General description.* A standard adopted design with curtain and visor.

(f) *Hat, service.* For officers, warrant officers, flight officers, and enlisted men.

(1) *Material.* Felt, beaver color.

(2) *General description.* A standard adopted design with "Montana peak," four indentations, crown 5¼ inches high for size 7⅛, with an olive-drab band and bow 15/16 inch in width. Hat to be equipped with a leather chin strap ⅝ inch in width for officers and ⅜ inch in width for enlisted men. [Par. 12]

Section 79.13 is amended as follows:

§ 79.13 *Jacket field M1943.* For officers, warrant officers, flight officers, and enlisted men.

(a) *Material.* Of adopted standard (§ 79.2 (a) (1) (v)).

(b) *General description.* A coat type jacket, plain back, fly front with six 36-ligne buttons and width adjustable waistline drawcord, body and sleeves lined throughout, with two outside breast cargo type pockets and two lower inside hand-

ing pockets all with straps and concealed buttonhole tabs. Provided with throat tabs with two buttonholes for 30-ligne buttons and shirt cuff type with adjustable sleeve closure. On each shoulder, a loop of the same material as the jacket let in at the sleeve head seam and reaching to neckband, buttoning at the upper end with a small button. Loops to be about 2½ inches in width at lower edge and 1½ inches in width at upper edge.

Section 79.11a is redesignated 79.13a and amended as follows: [Par. 13]

§ 79.13a *Muffler*—(a) *Officers, warrant officers, and flight officers.* Wool, olive-drab, commercial pattern.

(b) *Enlisted men.* As issued. [Par. 14]

Section 79.14 is amended as follows:

§ 79.14 *Necktie.* For officers, warrant officers, flight officers, and enlisted men.

(a) *Material.* Without stripe or figure, of adopted standard (§ 79.2 (a) (3)).

(b) *General description.* Of adopted four-in-hand type. [Par. 15]

Section 79.14a is added as follows:

§ 79.14a *Overcoat, for officers, warrant officers, and flight officers*—(a) *Field, long*—(1) *Material.* Of adopted standard (par. 2a (1) (d), (§ 79.2 (a) (1) (iv)).

(2) *General description.* A utility coat, two-ply throughout with a buttoned-in removable wool lining; double breasted with convertible style roll collar and notched lapel, buttoned down the front with a double row of large overcoat buttons, four on each side, with the top buttons approximately 10 inches apart and the lower buttons approximately 7 inches apart, a diagonal buttonhole placed in lower corner of each front to button to side seams to facilitate marching. A yoke for right shoulder buttoned in front with a 30-ligne button and a throat tab provided with two buttonholes for 30-ligne buttons. Back to be plain with set-in cantle piece closed with a small loop and 30-ligne button. A detachable belt same material as coat with 2¼ inches tongueless bar buckle and belt keeper held in place by two side loops and a strap keeper and belt strap. Adjustable tabs to button at cuff of sleeves.

(3) *Pockets.* Two diagonal hanging pockets cut hand opening in lining, and finished with pointed flaps buttoning to the rear.

(4) *Shoulder loops.* On each shoulder a loop about 5 inches in length, 2½ inches in width at the lower end, and 1½ inches in width at the upper end which is slightly pointed, the same material as the coat, let in at the sleeve head seam, buttoning at the upper end with a 30-ligne button.

(5) *Liners.* Made from an olive-drab wool fabric with inside yoke extending down 5 inches below armhole, and facing of olive-drab rayon fabric, 14 buttonholes for buttoning into overcoat body. Four buttons are positioned on right front for using as a separate garment. Two large patch pockets with diagonal slash above each pocket in line with openings through coat.

(b) *Short*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (iv)).

(2) *Design*—(i) *General description.* A double-breasted coat, lined or unlined, with a notched lapel roll collar approximately 5 inches in width, buttoned down the front with a double row of large regulation buttons, three on each side below the roll of collar with additional buttons or loops so that the coat can be buttoned to the neck.

(ii) *Pockets.* Two outside patch pockets, one on each side.

(iii) *Shoulder loops.* On each shoulder a loop about 5 inches in length, 2½ inches in width at the lower end, and 1½ inches in width at the upper end, which is slightly pointed, of same material as coat, let in at the sleeve head seam and buttoned at the upper end with small regulation overcoat button.

(iv) *Skirt.* Skirt to extend to 6 inches above the knee. Slit in the back extending about 15 inches from the bottom.

(v) *Ornamentation*—(*a*) *For general officers.* Two bands of black braid, the lower band to be 1¼ inches in width and about 2½ inches from the lower edge of the sleeve, the other to be ½ inch in width and 1½ inches above the lower band.

(*b*) *For all other officers and warrant officers.* Sleeve to be plain. [Par. 16]

Section 79.14b is added as follows:

§ 79.14b *Raincoats, officers, warrant officers and flight officers.* (a) Outer shell of overcoat, field, long.

(b) A coat of commercial pattern, with shoulder loops, color, olive-drab No. 7. [Par. 17]

Section 79.15 is amended as follows:

§ 79.15 *Shirt*—(a) *Service*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (iii) and (2)).

(2) *General description.* Of adopted pattern. For officers, warrant officers, and flight officers only, on each shoulder a loop of same material as the shirt, let in at the sleeve head seam and reaching to the edge of the collar, buttoning at the upper end with a small regulation shirt button. Loops about 2 inches in width at lower end and 1½ inches in width at collar end, and cross-stitched down to shoulder for a distance of 2 inches from lower end.

(b) *For shirts when worn with coats*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (iii) and (2)).

(2) *General description.* Of adopted pattern, or of commercial pattern. [Par. 18]

Sections 79.17, 79.19, 79.20 and 79.21 are rescinded, the descriptive matter contained therein having been omitted in revision AR 600–35, 31 March 1944.

§ 79.17 *Aviation cadet clothing and insignia.* [Rescinded]

§ 79.19 *Parachutists' clothing.* [Rescinded]

§ 79.20 *Combat winter clothing.* [Rescinded]

§ 79.21 *Work clothing, herringbone twill.* [Rescinded]

INSIGNIA

Section 79.22 is amended as follows:

§ 79.22 *General.* (a) Except as otherwise prescribed, insignia for wear upon uniform clothing will be made of gold or gold color metal.

(b) Elements superimposed on insignia of officers, except as otherwise prescribed, will be of bronze finish or brown enamel.

(c) Elements superimposed on insignia of enlisted men will be of the same material as the insignia.

(d) Certain insignia which involve the use of heads will be made to face to dexter.

(e) Metal insignia will have clutch backs or similar attachments so that they will be held closely without turning or flopping.

(f) Insignia of grade for shoulder loops may be embroidered.

(g) Insignia of grade for special flying clothing may be made of leather.

(h) Metal insignia of grade for lieutenant colonels and majors will be knurled.

All other metal insignia of grade will be smooth. [Par. 24]

Section 79.23 is amended as follows:

§ 79.23 *Insignia and ornamentation for headgear*—(a) *Cap, garrison*—(1) *Ornamentation*—(i) *General officers.* Cord edge braid of gold bullion or metallized cellophane of gold color and insignia of grade.

(ii) *Other officers.* Cord edge braid of gold bullion or metallized cellophane of gold color and black silk intermixed and insignia of grade.

(iii) *Warrant officers and flight officers.* Cord edge braid of silver bullion or metallized cellophane of silver color and black silk intermixed and insignia of grade.

(iv) *Enlisted men.* Cord edge braid of the color of arm, service, or bureau.

(2) *Metallized cellophane* should not be used on caps which will be washed.

(b) *Cap, service*—(1) *Officers.* The coat of arms of the United States 2⅜ inches in height.

(2) *Warrant officers and flight officers.* An eagle rising with wings displayed standing on a bundle of two arrows, all inclosed in a wreath. Insignia 1½ inches in height.

(3) *Enlisted men.* A plain disk 1½ inches in diameter, superimposed thereon the coat of arms of the United States of the same material as the disk.

(c) *Hat, service*—(1) *General officers.* A double cord of gold bullion, rayon, or metallized cellophane of gold color 3/16 inch in diameter, with an acorn of same material 1¼ inches in length with cup ⅝ inch in diameter and kernel ⅜ inch in diameter. Keeper to be of same material ⅝ inch in length and ⅝ inch in diameter with inside diameter of ⅜ inch to hold both ends and one loop of cord.

(2) *Other officers.* Same as for general officers except the cord to be of gold bullion, rayon, or metallized cellophane of gold color and black rayon or silk intermixed. The acorns and keeper to be of gold bullion, rayon, or metallized cellophane of gold color.

(3) *Warrant officers and flight officers.* Same dimensions as for general officers, the cord to be of silver bullion, rayon, or metallized cellophane of silver color and black rayon or silk intermixed. The acorns and keeper to be of black rayon or silk.

(4) *Enlisted men.* To be a double cord of the color of the arm, service, or bureau. When two colors are prescribed for an arm, service, or bureau, the cord will be in the first named color and the acorns and keeper will be in the second named color. Except when detailed for temporary duty during field training, Regular Army enlisted personnel on duty as instructors with the National Guard will wear hat cord of the color of the National Guard Bureau. [Par. 25]

Section 79.24 is amended as follows:

§ 79.24 *Insignia for collar and lapel of coat*—(a) *General of the Armies of the United States, Chief of Staff, former Chiefs of Staff, and full generals.* Insignia will be such as they may prescribe.

(b) *Other officers, warrant officers, and flight officers*—(1) *"U. S."* The block letters "U. S." 7/16 inch in height, each letter to be followed by a period. To designate officers of the Federally recognized National Guard the letters forming the abbreviation of the name of the State, as prescribed in paragrpaph 88, 3/16 inch in height superimposed on the "U. S."

(2) *Insignia of arm, service, and bureau*—(i) *Adjutant General's Department.* An enameled shield 1 inch in height, a chief of blue with 1 large and 12 small white stars thereon, and 13 vertical stripes, 7 white and 6 red.

(ii) *Aides.* An enameled shield 3/4 inch in height surmounted by an eagle displayed with wings reversed 1/2 inch in height, on the blue chief of shield a white star or stars, according to the grade of the general officer on whose staff the aide is serving, and 13 vertical stripes, 7 white and 6 red.

(iii) *Air Corps.* A pair of wings with vertical silver propeller 3/4 inch in height.

(iv) *Armored Center and units.* A mark VIII tank, side view, 7/16 inch in height.

(v) *Cavalry.* Two crossed sabers in scabbards, cutting edge up, 11/16 inch in height. When applicable, the regimental number 1/4 inch in height in the upper angle.

(vi) *Chaplains*—(a) *Christian.* A silver Latin cross 1 inch in height.

(b) *Jewish.* A double tablet bearing Roman numerals from I to X surmounted by two equilateral triangles interlaced, all silver, 1 inch in height.

(vii) *Chemical Warfare Service.* A benzene ring of cobalt blue enamel, superimposed in the center of crossed retorts, 1/2 inch in height and 1 3/16 inches over all.

(viii) *Coast Artillery Corps.* Two crossed cannon with an oval shaped raised center of red enamel, superimposed on which a projectile, point up, of the same material as the cannon, 3/4 inch in height. When applicable, the regimental number 1/4 inch in height in the upper angle.

(ix) *Corps of Engineers.* A triple-turreted castle 11/16 inch in height. When applicable the regimental number 1/4 inch in height over the center turret.

(x) *Field Artillery.* Two crossed field guns 3/4 inch in height. When applicable the regimental number 1/4 inch in height in the upper angle.

(xi) *Finance Department.* A diamond 1 inch by 3/4 inch, short axis vertical.

(xii) *General Staff Corps.* The coat of arms of the United States 5/8 inch in height, of gold or gold color metal, superimposed on a 5-pointed silver star 1 inch in diameter. The shield and glory to be in enameled color stripes of white and red, chief of blue, and the sky of the glory blue.

(xiii) *Infantry.* Two crossed muskets 3/4 inch in height. When applicable the regimental number 1/4 inch in height in the upper angle.

(xiv) *Inspector General's Department.* A sword and fasces 3/4 inch in height, crossed and wreathed with the inscription "Droit Et Avant" in blue enamel on upper part of wreath."

(xv) *Judge Advocate General's Department.* A sword and pen crossed and wreathed 11/16 inch in height.

(xvi) *Medical Department.* Device 1 inch in height, letters 3/8 inch in height.

(a) *Medical Corps.* A caduceus.

(b) *Dental Corps.* A caduceus with the letter "D" superimposed thereon.

(c) *Veterinary Corps.* A caduceus with the letter "V" superimposed thereon.

(d) *Medical Administrative Corps.* A caduceus with the letter "A" superimposed thereon.

(e) *Contract surgeons.* A caduceus with the letter "C" superimposed thereon.

(f) *Sanitary Corps Reserve.* A caduceus with the letter "S" superimposed thereon.

(g) *Pharmacy Corps.* A caduceus with the letter "P" superimposed thereon.

(xvii) *National Guard Bureau.* Two crossed fasces of the same material as the eagle, superimposed on an eagle displayed with wings reversed, 3/4 inch in height.

(xviii) *Military Intelligence Reserve.* An eared shield 3/4 inch in height, bearing a circle connected with the border by 13 radial ribs, within the circle a sphinx in profile couchant.

(xix) *Military police.* Two crossed pistols 3/4 inch in height. When applicable the battalion number 1/4 inch in height in upper angle.

(xx) *Officers not members of, and not on duty with, an arm or service, and Specialist Reserve.* The coat of arms of the United States 9/16 inch in height within a ring 3/4 inch in diameter.

(xxi) *Ordnance Department.* A shell and flame 1 inch in height.

(xxii) *Permanent professors, master of the sword, and civilian instructors, United States Military Academy.* The coat of arms of the United States Military Academy 1 inch in height, the shield of the United States bearing the helmet of Pallas over a Greek sword and surmounted by an eagle displayed with scroll and motto.

(xxiii) *Quartermaster Corps.* A sword and key crossed on a wheel surmounted by a flying eagle, the felloe of the wheel set with 13 stars. The felloe of the wheel to be of blue enamel, hub center red edged with white. Insignia 3/4 inch in height.

(xxiv) *Signal Corps.* Two signal flags crossed, in enameled colors, dexter flag white with red center; the other flag red with white center, with a flaming torch upright at center of crossed flags. Insignia 7/8 inch in height.

(xxv) *Tank Destroyer Units.* 75-mm gun, motor carriage M3, in gold colored metal 1/2 inch in height.

(xxvi) *Transportation Corps.* A ship's steering wheel, superimposed thereon a shield charged with a winged car wheel on a rail, all of the same material, 1 inch in height.

(xxvii) *Warrant officers.* An eagle rising with wings displayed standing on a bundle of 2 arrows all inclosed in a wreath. Insignia 3/4 inch in height.

(xxviii) *Members of United States Army band.* A lyre 1 3/16 inches in height with letters "U. S." in block letters of the same material as the lyre, 3/8 inch in height, superimposed thereon.

(xxix) *First Special Service Force.* Two crossed arrows, 3/4 inch in height, with points up.

(c) *Enlisted men.* A disk 1 inch in diameter. (1) The right collar insignia will have the letters "U. S." on a plain solid circular background. The number of the regiment will be added when applicable. The number to be below the "U. S."; when there is no regimental number the "U. S." to be in the center of the disk. To designate enlisted men of the Federally recognized National Guard, the letters forming the abbreviation of the name of the State, as prescribed in paragraph 88, will be superimposed on the "U. S.".

(2) The left collar insignia will have the insignia of arm, service, or bureau on a plain solid circular background, except as follows:

(i) *Detached Enlisted Men's List.* The coat of arms of the United States.

(ii) *Army Mine Planter Service.* Same as Coast Artillery Corps, with the addition of a mine case in lower angle, maneuvering ring up.

(iii) *Unassigned.* As prescribed for right collar in subparagraph (1) above. [Par. 26]

In § 79.25 a note is added following paragraph (a) (4) and paragraph (b) (3) (iv), (v), and (vi) is amended.

§ 79.25 *Insignia grade*—(a) *Officers.* * * *

(4) *Brigadier general.* * * *

NOTE: Miniature insignia of grade (5/8 inch) is authorized for general officers only.

* * * * *

(b) *Warrant officers.* * * *

(3) *Warrant officers, Army Mine Planter Service, additional sleeve insignia,* * * *

(iv) *Assistant engineer.* Three bands of brown braid 1/2 inch in width and an embroidered brown three-bladed propeller 1 inch in diameter for each sleeve.

(v) *Second mate or maritime.* Two bands of brown braid 1/2 inch in width

and an embroidered brown foul anchor 1 inch in length for each sleeve.

(vi) *Second assistant engineer or maritime engineer.* Two bands of brown braid ½ inch in width and an embroidered brown three-bladed propeller 1 inch in diameter for each sleeve. [Par. 27]

Section 79.26 is amended as follows:

§ 79.26 *Insignia to denote excellence*—(a) *Coast Artillery Corps.* Letter E 1 inch in height, in scarlet, embroidered upon an olive-drab wool disk 2 inches in diameter.

(b) *Army Specialized Training Program.* On an olive-drab disk, a blue star 1 inch in diemter. [Pars. 28 and 29]

Section 79.26a is added:

§ 79.26a *Insignia, Army Air Forces technical specialists.* An ultramarine blue triangular background 2 3/16 inches in height, 2½ inches in width with point down charged with symbols in golden orange.

(a) *Armament.* A drop bomb.

(b) *Communications.* A tower between four flashes.

(c) *Engineering.* The silhouette of an engine.

(d) *Photography.* A camera.

(e) *Weather.* A weather vane. [Par. 30]

Section 79.27 is amended as follows:

§ 79.27 *Insignia, to denote wounds and service*—(a) *Chevrons, wounds (first World War only).* Of gold lace or bullion. To be chevrons reversed, arms 1¼ inches in length, ¼ inch in width, on a background of olive-drab cloth forming a border ⅛ inch around each arm.

(b) *Chevrons, service (first World War only)*—(1) *Of gold lace or bullion.* As in (a) above.

(2) *Of sky blue cloth.* As in paragraph (a) above, except that the chevron will be of sky blue cloth instead of gold lace or bullion.

(c) *Stripes, service.* Olive-drab stripes, 2¼ inches in length, 5/16 inch in width, on a background forming a border ⅛ inch around the stripe.

(1) *Federal service.* Background dark blue.

(2) *National Guard service.* Background buff. [Par 31]

Sections 79.28 and 79.29 are amended as follows:

§ 79.28 *Insignia, shoulder sleeve.* Of cloth as per pattern approved by the War Department. An airborne tab in black with yellow letters 5/16 inch in height will be added above airborne shoulder sleeve insignia. [Par. 32]

§ 79.29 *Insignia of trimmings, distinctive.* Distinctive insignia or trimmings will not be approved or manufactured for the duration of the present war. [Par. 33]

In § 79.30 paragraph (i) is rescinded, paragraphs (j) and (k) are redesignated (i) and (j) respectively and new paragraphs (k), (l) and (m) are added as follows:

§ 79.30 *Brassards* * * *

(i) *Technical observers and service specialists accompanying United States Army forces in field.* The letters TO in black 1¼ inches in height on an orange background.

(j) *Aircraft Warning Service, Army Air Forces, chief observers and observers.* A white disk about 2 1/16 inches diameter with blue letters "U. S. Army AWS Air Force" between two golden orange wings each about 3⅛ inches in length above golden letters 7/16 inch in height, all on an ultramarine blue background.

(1) Chief observer.
(2) Observer.

(k) *Gas personnel.* The letters "Gas" in golden yellow letters 2½ inches in height on a cobalt blue background.

(l) *Auxiliary military police.* The words "Auxiliary Military Police" in blue letters ¾ inch in height on a white background.

(m) *Brassards indicating grade, Army Specialized Training Program.* Trainees or candidates acting as officers and noncommissioned officers in the Army Specialized Training Program and at all schools and training centers for the Army Ground Forces, Army Air Forces, and Army Service Forces.

(1) *Officers.* Stripes ⅜ inch in width, ¼ inch apart, and 4 inches in length, centered and sewed parallel with long side.

(i) *Colonel.* Three yellow stripes.

(ii) *Lieutenant colonel.* Two yellow stripes.

(iii) *Major.* One yellow stripe.

(iv) *Captain.* Three white stripes.

(v) *First lieutenant.* Two white stripes.

(vi) *Second lieutenant.* One white stripe.

(2) *Noncommissioned officers.* Sergeant, three chevrons; corporal, two chevrons; in olive-drab on dark blue background. [Pars. 34 and 35]

Section 79.30d is added:

§ 79.30d *Insignia, bomb disposal personnel.* On a black projectile shape, point downward 1 7/16 inches in width by 2¾ inches in length, a red conventionalized drop bomb fimbriated in yellow ⅞ inch in width by 2⅜ inches in length. [Par. 39]

DECORATIONS AND SERVICE MEDALS

Section 79.31 is amended as follows:

§ 79.31 *Medal of Honor.* A bronze five-pointed star 1 9/16 inches in diameter, surrounded by a laurel wreath in green enamel, suspended by two links from a bronze bar bearing the inscription "Valor," and surmounted by an eagle. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress to", and on the reverse of the medal are engraved the grade, name, and organization of the recipient, with the place and date of the act for which the medal is awarded. The medal is suspended by a hook to a ring fastened behind the eagle. The hook is attached to a neckband of ribbon 20 inches in length. The neckband is of light blue watered silk 1 3/16 inches in width and midway between the ends of the neckband are 13 white stars arranged in the form of a triple chevron, consisting of two chevrons of 5 stars each and one of 3 stars. [Par. 41]

Section 79.36a is added.

§ 79.36a *Air Medal.* A bronze compass rose 1 11/16 inches circumscribing diameter suspended by the pointer and charged with an eagle volant carrying two lightning flashes in its talons. The points of the compass rose on the reverse are modeled with the central portion plain for the grade, name, and organization of the recipient (which is to be engraved). The medal is suspended from a moire silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of ultramarine blue (⅛ inch), a band of golden orange (¼ inch), a band of ultramarine blue (⅝ inch), a band of golden orange (¼ inch) and a band of ultramarine blue (⅛ inch) by a ring engaging the pointer. [Par. 46]

Section 79.38 is amended as follows:

§ 79.38 *Oak-Leaf Cluster.* A bronze twig of four oak leaves with three acorns on the stem 13/32 of an inch in length.

(a) Bronze.
(b) Silver. [Par. 50]

Section 79.38a is added.

§ 79.38a *Good Conduct Medal.* (a) A medal of bronze 1¼ inches in diameter. On the obverse an eagle with wings displayed and inverted standing on a closed book and Roman sword encircled by the words "Efficiency-Honor-Fidelity." On the reverse a five-pointed star and a scroll (on which is to be engraved the name of the recipient) between the words "For Good" and "Conduct" within a wreath of laurel and oak. The medal is suspended from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of red (1/16 inch), white (1/16 inch), red (1/16 inch), white (1/16 inch), red (1/16 inch), white (1/16 inch), red (⅝ inch), white (1/16 inch), red (1/16 inch), white (1/16 inch), red 1/16 inch), white (1/16 inch), and red (1/16 inch).

(b) *Clasps.* Bronze bars ⅛ inch in width and 1 3/16 inches in length with loops all in one piece for additional awards. [Par. 51]

Section 79.39 (7 F.R. 11) is rescinded and a new § 79.39 is added.

§ 79.39 *Distinguished Unit Badge.* A blue ribbon 1⅜ inches in width, ⅜ inch in length behind a gold colored metal frame of laurel leaves approximately 1/16 inch in width.

In § 79.40 paragraph (b) (2) and (3) is amended as follows:

§ 79.40 *Fourragere (first World War).* * * *

(b) *Distinctive marks.* * * *

(2) *Arm or service.* Insignia of arm or service of the first World War with numerical designation when applicable, to be integral and similar to the officers' lapel insignia, of suitable size, number of

regiment or battalion not to exceed 3/16 inch in height.

(3) *Organization of the Army to which awarded.* The organizations of the Army to which the fourragere for the first World War has been awarded and the distinctive marks therefor are as follows:

* * * * *

[Par. 53]

Sections 79.53a–79.53e are added as follows:

§ 79.53a *Army of Occupation of Germany Medal (1918–23).* A medal of bronze 1¼ inches in diameter. On the obverse a profile of General John J. Pershing in uniform of first World War. Around the upper edge four five-pointed stars, on the dexter side the inscription "General John J. Pershing" and on the sinister side an unsheathed sword point up within a laurel wreath with the years "1918" and "1923." On the reverse an eagle with wings displayed and inverted standing on Castle Erenbreitstein within a circle composed of the words "U. S. Army of Occupation of Germany" and three five-pointed stars. The medal is suspended by a ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of blue (1/16 inch), red (1/16 inch), white (3/16 inch), black (¾ inch), white (3/16 inch), red (1/16 inch), and blue (1/16 inch). [Par. 67]

§ 79.53b *American Defense Service Medal.* (a) A medal of bronze 1¼ inches in diameter. On the obverse a female Grecian figure symbolic of defense holding in her sinister hand an ancient war shield in reverse and her dexter hand brandishing a sword above her head and standing upon a conventionalized oak branch with four leaves, around the top is the lettering "American Defense." On the reverse is the wording "For service during the limited emergency proclaimed by the President on 8 September 1939 or during the unlimited emergency proclaimed by the President on 27 May 1941" above a seven-leaved spray. The medal is suspended by a ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of golden yellow (3/16 inch), blue, white, and red, triparted (⅛ inch), golden yellow (¾ inch), red, white, and blue, triparted (⅛ inch), and golden yellow (3/16 inch).

(b) *Clasp.* A bronze bar ⅛ inch in width, to be placed on the ribbon of the medal inscribed "Foreign Service." [Par. 68]

§ 79.53c *American Campaign Medal.* A medal of bronze, design to be approved. The medal is suspended by a ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (3/16 inch), white (1/16 inch), black (1/16 inch), red (1/16 inch), white (1/16 inch), blue (3/16 inch), blue, white, and red triparted (⅛ inch), blue (3/16 inch), white (1/16 inch), red (1/16 inch), black (1/16 inch), white (1/16 inch), and blue (3/16 inch). [Par. 69]

§ 79.53d *Asiatic - Pacific Campaign Medal.* A medal of bronze, design to be approved. The medal is suspended by a ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of orange (3/16 inch), white (1/16 inch), red (1/16 inch), white (1/16 inch), orange (¼ inch), blue, white, and red triparted (⅛ inch), orange (¼ inch), white (1/16 inch), red (1/16 inch), white (1/16 inch), and orange (3/16 inch). [Par. 70]

§ 79.53e *European - African - Middle Eastern Campaign Medal.* A medal of bronze, design to be approved. The medal is suspended by a ribbon 1⅜ inches in length and 1⅜ inches in width composed of stripes of brown (3/16 inch), green (1/16 inch), white (1/16 inch), red (1/16 inch), green (¼ inch), blue, white, and red triparted (⅛ inch), green (¼ inch), white, (1/16 inch), black (1/16 inch), white (1/16 inch), and brown (3/16 inch). [Par. 71]

BADGES, ETC.

In § 79.54 paragraphs (p) and (q) are added.

§ 79.54 *Badges, aviation.* * * *

(p) *Flight surgeon.* A pair of wings 3⅛ inches from tip to tip of gold color metal with the letter "O" in the center of the wings superimposed thereon the Medical Corps insignia.

(q) *Flight nurse.* A pair of wings 2 inches in width of gold color metal with the letter "O" in the center of the wings superimposed thereon the Army Nurse Corps insignia. (See § 79.82.) [Par. 72]

Sections 79.55a and 79.55b are added.

§ 79.55a *Badges, infantryman*—(a) *Combat infantryman.* A polished silver musket on a rectangular blue background 7/16 inch in width by 3 inches in length in front of an oak wreath of oxidized silver.

(b) *Expert infantryman.* A polished silver musket on a rectangular blue background 7/16 inch in width by 3 inches in length. [Par. 74]

§ 79.55b *Badges, marine divers.* A badge of oxidized silver.

(a) *Diver, master.* A diving helmet ⅞ inch in height in front of a trident 1¼ inches in height between two dolphins.

(b) *Diver, first class.* A diving helmet 15/16 inch in height between two dolphins 1 inch in height.

(c) *Diver, salvage.* A diving helmet 1 inch in height with letter "S" ⅜ inch in height superimposed on chest plate.

(d) *Diver, second class.* A diving helmet 1 inch in height. [Par. 75]

Section 79.56b is added.

§ 79.56b *Badge, driver and mechanic award*—(a) *Basic badge.* Of oxidized silver. A cross patee with the representation of a disk wheel with tire placed on the center thereof and sufficiently raised to make a true representation.

(b) *Bars.* Of oxidized silver, suspended from the basic badge and marked to show type of qualification as follows:

(1) Driver—W, for wheeled vehicles.

(2) Driver—T, for track or half-track vehicles.

(3) Driver—M, for motorcycles.

(4) Mechanic, for automotive or allied trade mechanic. [Par. 78]

Section 79.58 is amended.

§ 79.58 *Service ribbons and service stars*—(a) *Service ribbons.* A service ribbon is a strip of ribbon identical with that from which is suspended a decoration or service medal, ⅜ inch in length.

(b) *Service stars.* Service stars 3/16 inch in diameter to denote possession of certain clasps.

(1) Bronze.

(2) Silver. [Par. 80]

Sections 79.58a and 79.58b are added.

§ 79.58a *Miniatures.* Miniatures of decorations (except Medal of Honor) and Service Medals, each on a scale of one-half, and of the Oak-Leaf Cluster 5/16 inch in length. [Par. 81]

§ 79.58b *Lapel buttons*—(a) *For decorations and service medals.* (1) for the Medal of Honor, a hexagonal rosette of light blue silk with white stars.

(2) For the Victory Medal, a five-pointed star 5/8 inch in diameter on a wreath with the letters "U. S." in the center. To be of silver for men wounded in action, of bronze for all others.

(3) For all other decorations and service medals, a button 21/32 inch in width and ⅛ inch in length, in colored enamel, being a reproduction of the service ribbon. When Oak-Leaf Clusters have been awarded in lieu of additional decorations, the miniature Oak-Leaf Cluster may be placed on the lapel button denoting possession of the decorations.

(b) *Officers' Reserve Corps.* A gold or gold color button ½ inch in diameter, enameled in the color of the arm or service in which commissioned, with the letters "U. S. R." in gold or gold color. When there are two colors, the letters will be in the color of the piping. For general officers the button will be gold with the letters in relief.

(c) *Enlisted Reserve Corps.* Same as for Officers' Reserve Corps, except in bronze instead of gold or gold color.

(d) *Corps and division badges of Civil and Spanish-American Wars, and badges of shoulder sleeve insignia of first World War, worn in form of pins or lapel buttons.* (See § 79.57)

(e) *For service rendered prior to 8 September 1939.* A dexter eagle with wings displayed perched within a ring which displays seven white and six red vertical stripes with a blue chief bearing the words "National Defense," the dexter wing of the eagle behind the ring, the sinister wing in front of the ring.

(f) *For service rendered since 8 September 1939.* A dexter eagle with wings displayed perched within a ring which displays 13 vertical stripes with a chief, the dexter wing of the eagle behind the ring, the sinister wing in front of the ring, all of the gold plated plastic. [Par. 82]

MISCELLANEOUS

Section 79.63 is amended.

§ 79.63 *Colors of arms, services, bureau, etc.*—(a) *Adjutant General's Department.* Dark blue piped with scarlet.

(b) *Air Corps.* Ultramarine blue piped with golden orange.

(c) *Armored Center and units.* Green piped with white.

(d) *Cavalry.* Yellow.

(e) *Chaplains.* Black.

(f) *Chemical Warfare Service.* Cobalt blue piped with golden yellow.

(g) *Coast Artillery Corps.* Scarlet.
(h) *Corps of Engineers.* Scarlet piped with white.
(i) *Detached Enlisted Men's List.* Green.
(j) *Field Artillery.* Scarlet.
(k) *Finance Department.* Silver gray piped with golden yellow.
(l) *Infantry.* Light blue.
(m) *Inspector General's Department.* Dark blue piped with light blue.
(n) *Judge Advocate General's Department.* Dark blue piped with white.
(o) *Medical Department.* Maroon piped with white.
(p) *Military Intelligence Reserve.* Golden yellow piped with purple.
(q) *Military police.* Yellow piped with green.
(r) *National Guard Bureau.* Dark blue.
(s) *Ordnance Department.* Crimson piped with yellow.
(t) *Permanent professors of United States Military Academy.* Scarlet piped with silver gray.
(u) *Quartermaster Corps.* Buff.
(v) *Signal corps.* Orange piped with white.
(w) *Specialist Reserve.* Brown piped with golden yellow.
(x) *Tank Destroyer Units.* Golden orange and black.
(y) *Transportation Corps.* Brick red with golden yellow.
(z) *Warrant officers.* Brown.
(aa) *Women's Army Corps.* Old gold piped with moss-tone green. [Par. 87]

(R.S. 1296; 10 U.S.C. 1391)

[SEAL] ROBERT H. DUNLOP,
Brigadier General,
Acting The Adjutant General.

[F. R. Doc. 44-7469; Filed, May 25, 1944; 9:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4832]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL RESEARCH, ETC., ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Government connection:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Nature, in general:* § 3.72 (N10) *Offering deceptive inducements to purchase or deal—Terms and conditions:* § 3.69 (b) *Using misleading name—Vendor—Government connection:* § 3.96 (b) *Using misleading name—Vendor—Nature, in general.* In connection with offer, etc., in commerce, of forms, letters, cards, or any other printed or written material for use in obtaining information concerning debtors or alleged debtors, (1) representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought, or that information sought is for use in determining whether the person about whom information is requested may be entitled to trust funds or other property; (2) using the words "Bureau of Industrial Allocation", or any other words which import or imply connection with employment, to designate, describe, or refer to the business of respondents, or any of them, in seeking information concerning debtors or alleged debtors; (3) representing, or placing in the hands of others means of representing, directly or by implication, that information sought concerning debtors or alleged debtors is sought by or on behalf of any governmental agency; and (4) using, or placing in the hands of others for use, forms, letters, questionnaires, or other printed or written material which represents, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, International Research, etc., et al., Docket 4832, April 27, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of April, A. D. 1944.

In the Matter of Edward Lowenthal, an Individual Trading Under the Names International Research and Bureau of Industrial Allocation; and Sidney Dean Sarff and H. J. Whittington, Individuals

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and brief in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Edward Lowenthal, individually and trading as International Research, Bureau of Industrial Allocation, or under any other name, and respondents Sidney Dean Sarff and H. J. Whittington, individuals, and their respective representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of forms, letters, cards, or any other printed or written material for use in obtaining information concerning debtors or alleged debtors, do forthwith cease and desist from:

1. Representing, or placing in the hands of others means of representing, directly or by implication, that money or other property is being held for persons concerning whom information is sought, or that information sought is for use in determining whether the person about whom information is requested may be entitled to trust funds or other property.

2. Using the words "Bureau of Industrial Allocation," or any other words which import or imply connection with employment, to designate, describe, or refer to the business of respondents, or any of them, in seeking information concerning debtors or alleged debtors.

3. Representing, or placing in the hands of others means of representing, directly or by implication, that information on sought concerning debtors or alleged debtors is sought by or on behalf of any governmental agency.

4. Using, or placing in the hands of others for use, forms, letters, questionnaires, or other printed or written material which represents, directly or by implication, that respondents' business is other than that of obtaining information for use in the collection of debts.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-7488; Filed, May 25, 1944; 10:59 a. m.]

[Docket No. 4949]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

J. P. LEONARD CO., ET AL.

§ 3.99 (a) *Using or selling lottery devices—Devices for lottery selling.* In connection with offer, etc., in commerce, of sales promotion plans or devices, trading stamps, trading cards, or any other merchandise, (1) supplying, etc., others with sales plans or devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., sec. 45b) [Cease and desist order, J. P. Leonard, trading as J. P. Leonard Company, R. L. Jacoby, and Liberty Sales System, Inc., Docket 4949, April 28, 1944]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of April, A. D. 1944.

In the Matter of J. P. Leonard, an Individual Trading as J. P. Leonard Company, R. L. Jacoby, an Individual, and Liberty Sales System, Inc., a Corporation

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, certain facts stipulated into the record and other evidence introduced before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs in support of and in opposition to the com-

plaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent J. P. Leonard, an individual, trading as J. P. Leonard Company or under any other name, respondent R. L. Jacoby, an individual, and respondent Liberty Sales System, Inc., a corporation, and its officers, and their respective representatives, agents, and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of sales promotion plans or devices, trading stamps, trading cards, or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others sales plans or devices which are to be used, or may be used, in the sale or distribution of merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme.

2. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 44-7487; Filed, May 25, 1944; 10:59 a. m.]

TITLE 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs

[T. D. 51061]

PART 3—DOCUMENTATION OF VESSELS

CHANGE OF MASTER

The first sentence of paragraph (e), § 3.24, Customs Regulations of 1943 (19 CFR 3.24 (e)), is hereby amended to read as follows:

§ 3.24 *Change of master.* * * *

(e) If two or more vessels are owned by or under the complete control and management of the same person, association, corporation, etc., and are navigated within the limits of the harbor of any town or city, the name of the owner, if an individual, or of some responsible person acting for the owner, may be endorsed as master on the licenses of all such vessels although the person whose name is so endorsed may not be actually employed on any of the vessels. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4335, as amended; 5 U.S.C. 22, 46 U.S.C. 276; E.O. 9083; 7 F.R. 1609)

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: May 22, 1944.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 44-7471; Filed, May 25, 1944; 10:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATIONS OF AUTHORITY

[Directive 24, as Amended May 24, 1944]

AUTHORITY OF NATIONAL HOUSING AGENCY FOR HOUSING CONSTRUCTION

Correction

In F.R. Doc. 44-7428, appearing at page 5595 of the issue for Thursday, May 25, 1944, the following changes should be made:

1. The note appearing in the middle column should read as follows:

NOTE: Paragraphs (g) and (h), formerly (e) and (f) redesignated May 24, 1944.

2. The last two paragraphs in the column should be designated (g) and (h) instead of (f) and (g), respectively.

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 1010—SUSPENSION ORDERS

[Suspension Order S-381, Amdt. 2]

THE PHOTO PROCESS ENGRAVING CO.

The Photo Process Engraving Company has again appealed from the provisions of Suspension Order S-381. The Chief Compliance Commissioner has reviewed this case and he has determined that in order to avoid hardship to the Photo Process Engraving Company and to prevent delay in the making of plans for publications to be used in Army and Navy induction and procurement centers, Suspension Order S-381 should be amended. In view of the foregoing, it is hereby ordered, that:

Section 1010.381 *Suspension Order No. S-381*, as amended November 24, 1943, is amended by striking out paragraph (a) and inserting in its place a new paragraph (a) as follows:

(a) The respondent's quota of copper shall be reduced as follows:

For the third quarter of 1943	1,150
For the first quarter of 1944	1,150
For the second quarter of 1944	No reduction
For the third quarter of 1944	448
For the first quarter of 1945	500

which amounts represent 3248 pounds of copper out of a total of 4735 pounds of copper over-consumed during the first and fourth quarter of 1942, unless the respondent is hereafter specifically authorized in writing by the War Production Board to consume additional copper. If the respondent shall use any copper in fulfilling new government orders as defined in paragraph (e) of Conservation Order M-339, then the quotas shall be further reduced by the poundage of copper used in the government orders up to first 1506 pounds; each reduction in quota shall be made in each quarter in which government copper is consumed and to such amounts.

Issued this 24th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7468; Filed, May 24, 1944; 4:33 p. m.]

PART 3208—SCHEDULED PRODUCTS

[General Scheduling Order M-293, Table 16]

PRINTING AND PUBLISHING DIVISION

§ 3208.17 *Table for Printing and Publishing Division.* (a) The following table is issued pursuant to the provisions of General Scheduling Order M-293:

	Designation	Applicable forms column			
		1	2	3	4
		Operations report	Shipping schedule [1]	Application and authorization	Calendar months frozen [2]
1. Continuous and interleaved carbon forms	----------	3002.79	3401	----------	2

[1] Form WPB-3003 may be used instead of Form WPB-3401.
[2] For an explanation of the calendar months frozen see paragraph (c) of M-293.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7492; Filed, May 25, 1944; 11:16 a. m.]

PART 3290—TEXTILES, CLOTHING AND LEATHER

[General Conservation Order M-217, Interpretation 6]

TWO-COLOR BOWS ON FOOTWEAR MADE UNDER PARAGRAPH (C) (4) (V)

The following interpretation is issued with respect to General Conservation Order M-217:

Paragraph (c) (4) (v) permits the combination of two colors in part leather—part fabric uppers where the leather constitutes not more than 30% of the whole upper material (excluding linings). It is permissible to use in connection with this type of footwear fabric bows in the same two colors, if all other provisions of the order are complied with, including paragraph (d) relating to new styles.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-7491; Filed, May 25, 1944; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-310, as Amended May 25, 1944]

HIDES, SKINS AND LEATHER

The fulfillment of requirements for the defense of the United States has created shortages in hides, skins and leather for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.196 *General Conservation Order M-310*—(a) *General definitions.* (1) "Tanner" means a person in the business of tanning, dressing, or similarly processing hides or skins, who in any calendar month after April 1, 1940, processed or processes more than 100 hides or skins.

(2) "Contractor" or "converter" means a person in the business of causing hides or skins to be tanned or dressed for his account in any tannery not owned or controlled by him.

(3) "Collector" means a person, including a dealer or importer, engaged in the business of acquiring from others untanned hides or skins for resale, or removing hides or skins from animals not slaughtered by him.

(4) "Producer" means a person in the business of slaughtering animals.

(5) "Military order" means an order for hides, skins or leather for delivery against a specific contract placed by any of the following, or for incorporation in any product to be delivered against such a contract:

The Army or Navy of the United States, the United States Maritime Commission, the War Shipping Administration, or any foreign government pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) or any extension or renewal thereof: *Provided,* That orders for U. S. Army or Marine Corps Post Exchanges or for U. S. Navy Ship's Service Departments shall not be deemed military orders within the terms of this definition, except orders by the U. S. Navy Ship's Service Departments and War Shipping Administration Training Organization Ship's Service Department for cut sole leather for repair purposes which are endorsed as provided in Priorities Regulation No. 17.

(6) "Military specifications" or "military quality" means, except as herein otherwise specifically provided, the specifications applicable to military orders or the quality of material meeting such specifications.

(7) "Sole leather" means vegetable tanned sole leather unless otherwise specified.

(8) "Scrap leather" means small leather pieces which are unavoidably produced from processing or cutting operations, but in no case shall include bellies or shoulders.

(9) All trade terms shall have their usual trade significance unless otherwise specified.

(b) *Provisions applying to all hides, skins and leather.* (1) No person shall process any hides, skins or leather contrary to any specific direction issued from time to time by the War Production Board relating to the processing or production of specific types of leather to meet military or designated civilian requirements.

(2) No producer, collector, tanner, contractor, converter or cutter shall sell, deliver, accept delivery of, cut, use or incorporate in any product any hides skins or leather contrary to any specific direction issued from time to time by the War Production Board deemed necessary in order to fill military or designated civilian requirements.

(3) No person shall commercially incorporate any leather or rawhide into any product except as permitted by Schedule A at the end of this order, and no person shall sell any leather or rawhide unless the same is to be incorporated into a product permitted by Schedule A. This restriction shall not, however, apply to products manufactured:

(i) To fill military orders;

(ii) From vegetable tanned cattlehide flesh splits under 3½ ounces;

(iii) From scrap leather, *Provided,* That any tanner selling any such scrap leather shall report his sales on his monthly form prescribed in paragraph (k);

(iv) Under specific authorization in writing by the War Production Board. Pursuant to this paragraph, the War Production Board may authorize the sale and use of rejected leather, or leather which can be made available consistently with programmed requirements, for essential uses not permitted by Schedule A. Any person may request such authorization by letter on his own behalf or on behalf of his customers, stating the proposed uses of the leather and the quantity, quality, weight and type involved, and in the case of rejected leather, facts substantiating its qualification as such.

"Rejected leather" as used in this paragraph means any leather made to fill a military order or for production of items listed on Schedule A which (i) is so defective that it will be refused if tendered, (ii) the purchaser has refused, or (iii) the purchaser has notified the seller will be refused because of defects. The term also is used to include seconds or over-runs. A "second" is leather made to fill a military order or for production of items listed on Schedule A but not actually offered or tendered to the purchaser because of defects. An "over-run" is leather made to fill a military order or for production of items listed on Schedule A but not delivered because in excess of the quantity actually required to fill the order.

No manufacturer, tanner, contractor or converter shall process or order any leather which he knows will be rejected. This paragraph does not prohibit the production of seconds or over-runs, to the extent that they are unavoidable in the manufacturer's or tanner's operations.

(v) From leather not used for the purpose for which it was produced because of failure to deliver on time or termination of procurement by the United States Government or any of its agencies for which the production was ordered, when the sale or use of such leather is authorized in writing by the War Production Board. Any person may request such authorization on his own behalf or on behalf of his customers, stating the proposed use of the leather, the quantity, quality, weight, and type involved, and explaining why it cannot be used for the purpose for which it was intended.

This paragraph (b) (3) shall supersede any provision in Priorities Regulation Number 13 pertaining to sales of leather of the type covered by this paragraph.

(4) Notwithstanding the provisions of any priorities or other regulations of the War Production Board, no preference rating shall be applied or extended for the delivery of hides, skins or leather, except:

(i) Leather for military orders; or

(ii) When specifically authorized in writing by the War Production Board pursuant to this subparagraph (b) (4), (ii).

(5) In making sales or deliveries of hides, skins or leather, including sole leather cut stock, no person shall make discriminatory cuts in quality or quantity between customers who meet such person's established prices, terms and credit requirements, or between customers and his own consumption of said materials.

(c) *Untanned cattlehides, calfskins and kips*—(1) *Definition.* "Cattlehide", "calfskin" and "kip" mean the hide or skin of a bull, steer, cow or buffalo, foreign or domestic (excluding slunks).

(2) No tanner shall put into process, and no contractor shall cause to be put into process, any cattlehide, calfskin or kip in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No person shall sell, deliver, purchase or accept delivery of any untanned cattlehide, calfskin or kip, or portion thereof, other than splits and glue stock, except to the extent that the purchaser is specifically authorized by the War Production Board on Form WPB-1323 or Form WPB-3507. Applications may be made on Form WPB-1325 (formerly PD-569) for the purchase of domestic cattlehides, and on Form WPB-1322 (formerly PD-569-a) for the purchase of domestic calfskins and kips: *Provided,* That the following may be made without such authorization:

(i) Transactions between collectors and between producers and collectors for purposes of resale;

(ii) The sale and delivery to and the purchase and acceptance of delivery by any person other than a tanner of less than 100 hides or skins in any calendar month.

(4) In acting under paragraph (c) (3), it will be the policy of the War Production Board, so far as is practicable, to grant authorizations so that:

(i) The contractor or tanner may obtain cattlehides, calfskins, or kips in the proportions that the wettings in 1942 of the contractor or tanner, respectively, of cattlehides, calfskins, or kips, computed separately, bore to all wettings thereof in that year by all contractors and tanners producing the same type of leather, except that authorizations to tanners or contractors having more than a practicable minimum working inventory may be reduced or omitted: and

(ii) The contractor shall contract with the same tanners as in 1942 and shall divide his contracts between them in the same proportions as in 1942.

(5) No producer or collector shall cut off bellies or shoulders of untanned cattlehides, except for a purchaser specifically authorized in writing by the War Production Board to purchase hides with portions cut off.

(6) [Deleted Jan. 24, 1944.]

(d) *Cattlehides, calfskins and kips, and leather therefrom*—(1) *Definition:*

(i) "Cattlehide, calfskin, or kip leather" means leather produced from such hides or skins, whether grain or split, including rawhide and leather produced from slunks.

(ii) "Rough sole leather" means vegetable-tanned sides, crops, backs, bends, shoulders, and bellies which have not been rolled.

(iii) "Rough belting butts and butt bends" means vegetable, chrome, or combination tanned belting butts and butt bends which have not been curried.

(iv) "Rough shoulders" means vegetable-tanned sole leather shoulders or shoulders cut from vegetable, chrome or combination tanned belting butts, which have not been either curried or rolled.

(2) [Deleted May 25, 1944.]

(3) No tanner shall produce any harness leather in any color other than russet, except to fill military orders.

(4) Unless otherwise specifically ordered in writing by the War Production Board, no person shall curry or finish the following leathers and no manufacturer shall use the same, either before or after such currying or finishing, except in accordance with the following requirements:

(i) Rough sole leather shall be finished as sole leather (which thereupon becomes subject to paragraph (e) hereof) except that rough sole leather 12 iron and up may be curried and used for round belting or V belting;

(ii) Rough belting butts or butt bends shall be curried and thereafter used only for transmission belts, hydraulic, packing, mechanical and textile leathers, or fillet leather: *Provided*, That this restriction shall not apply to straightenings cut from the portion of the belting butt or butt bend beginning at the edge from which the belly was removed, if the straightening is less than two inches in width at the widest point;

(iii) Rough shoulders cut from sole leather hides if not finished for sole leather, and rough shoulders cut from any belting butts, shall be curried and used only for welting, hydraulic, packing, mechanical and textile leathers, except that double rough shoulders 11 iron and up may be curried and used for round belting.

The War Production Board may on written application authorize the substitution of any of the types of leather mentioned in subparagraphs (i), (ii), and (iii) of this paragraph (d) (4) for any of the end uses therein specified, and when consistent with meeting requirements for approved programs, the War Production Board may authorize the finishing and use of any of these types of leather for any products listed on Schedule A.

(5) Vegetable tanned sole leather shall be processed so as to meet the requirements of Federal Specification KK-L-261B, including any emergency alternate specifications or amendments thereto.

(6) Bellies cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in accordance with standard practice, but bellies weighing 3 pounds or more when finished shall not be cut to measure less than 6 inches across the navel when finished.

(7) Shoulders cut from cattlehides processed for sole leather (excluding stags and bulls) shall be cut in a line running perpendicular to line of backbone at a point within the limits of the break in the foreflank.

(8) No tanner, currier, finisher, jobber or dealer shall accept any order for cattlehide leather in the form of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap or upholstery leather, rated or otherwise, or transfer any such leather to his own fabricating plant, unless such order or the request for such transfer states the specific end use of such leather.

(9) No tanner shall process any cattlehide to make grain garment leather.

(10) [Deleted Jan. 24, 1944.]

(11) [Deleted Jan. 24, 1944.]

(e) *Sole leather and sole leather cut stock*—(1) *Definitions.* (i) "Military quality outersole" means a bend sole of good fiber of a grade not lower than No. 1 scratch grade, and of a substance 8½ iron to 11 iron, inclusive.

(ii) "Military quality innersole" means a sole of 5½ to 7 iron, inclusive, first quality full grain leather, of a quality and fiber adapted to the purpose.

(iii) "Military quality strip" means a strip 8½ iron to 13 iron, inclusive, and "military quality tap" means a tap of 9 iron to 14 iron, inclusive, both cut from sole leather bends, commercially described as finders' leather, and a good fiber of a grade not lower than No. 1 scratch.

(iv) "Butt piece" means a piece cut from the butt portion of a sole leather bend by a straight cut perpendicular to line of backbone not more than three inches from root of tail.

(v) "Bend piece" means the portion of a finders' bend remaining after a butt piece has been removed and after a belly slab has been removed from the belly edge of the bend by cutting in a line running from shoulder to butt, approximately parallel to the backbone, and not less than thirteen inches therefrom at any point.

(vi) "Cutter for the repair trade" means a sole leather cutter who is equipped to cut repair taps, and who during the year ending July 31, 1942, cut repair taps as a regular part of his business.

(vii) "Whole stock" means sides, crops, backs, bends, shoulders with heads on, shoulders with heads off, bellies, and belly centers.

(2) Every tanner and contractor shall set aside each month for cutting as required by paragraph (e) (4) 20% of the quantity of manufacturers' bends, produced by him for his own account, or produced for his account by others, or such other percentage as may be fixed by the War Production Board in writing from time to time. Such bends are hereinafter referred to as "manufacturers'-bends-for-repair", and the weight and the quality of the bends set aside shall be equal, as nearly as possible, to those of the manufacturers' bends not so set aside, unless other directions in writing are issued by the War Production Board. No manufacturers'-bends-for-repair shall be sold to any finder or shoe repairer as a whole bend.

(3) No person shall cut military quality outersoles or innersoles, except on patterns to fit the United States Munson last in sizes and widths to fit the sizes of shoes specified in military orders, or on other patterns approved or in sizes prescribed by the War Production Board from time to time.

(4) Sole leather whole-stock shall be cut and the resulting cut stock disposed of only in accordance with the provisions of Schedule B hereof, and no military quality cut stock produced in accordance with such schedule shall be sold, delivered or used except to fill military orders. Upon written application, however, the War Production Board may authorize the cutting and use of sole leather and sole leather cut stock to meet military orders or orders for products on Schedule A, but not mentioned in Schedule B, when sole leather can be diverted to these uses consistent with meeting programmed military and civilian footwear requirements.

(5) No person except a shoe-repairer repairing shoes for the general public or any person repairing his own shoes shall hereafter use any non-military quality repair stock (except as provided in Block IIIB of Schedule B hereof) cut from finders' bends, from manufacturers' bends-for-repair or from parts of such bends.

(f) *Horsehides*—(1) *Definitions.* (i) "Horsehide" means the hide or skin of a horse, colt, mule, ass or pony, except dry pony hides to be processed for furs.

(ii) "Horsehide front", "horsehide butt" and "horsehide shank" means those horsehide parts commercially so known whether or not attached to other parts of the horsehide.

(2) No tanner shall put into process, and no converter shall cause to be put into process, any horsehide fronts, butts or shanks in excess of such amounts for specified periods as may be fixed by the War Production Board from time to time.

(3) No tanner shall put into process, or continue to process, any horsehide front, except into leather meeting military specifications in force at the time, unless such horsehide is not capable of being so processed.

(4) No person shall sell, deliver, accept delivery of or commercially incorporate into any product any horsehide front leather meeting any military specification, except for unfilled military orders.

(g) [Deleted September 20, 1943]

(h) *Goatskins and cabrettas*—(1) *Definitions.* (i) "Goatskin" means the skin of a goat or leather made from such skin, including kidskin, but excluding India tanned goatskin, and domestic angora goatskin.

(ii) "Cabretta" means the skin of a hair sheep or leather made from such skin.

(iii) "India tanned goatskin" means an imported goatskin tanned in Asia.

(2) No tanner shall put into process in the respective three months' period, commencing May 1, 1943, and on the first days of each August, November, February and May thereafter, more than 220% of his average monthly wettings of raw goatskins and cabrettas in 1941 (which average shall be known as "basic monthly wettings"), or more than such other percentages for such periods as may be fixed in writing by the War Production Board from time to time, with respect to any or all skins referred to in subparagraph (1) (i) and (ii) above: *Provided*, That kidskins and Calcutta Smalls purchased separately and described as such in Government purchase contracts dated later than August 1, 1943, may be put into process in addition to the percentages specified in this paragraph.

(3) [Deleted Jan. 24, 1944]

(4) The restrictions of paragraph (h) (2) shall not apply to persons who put into process less than 200 domestic goatskins in any calendar month and who process no foreign goatskins.

(5) No tanner shall sell or deliver goatskin garment leather for other than military purposes, except leather failing to meet military specifications: *Provided*, That such failure has resulted unavoidably in the course of producing military leather; *Provided further*, That such leather permitted hereby to be sold or delivered for other than military purposes may not exceed 12½% of his production of military goatskin garment leather subsequent to the date of this order.

(6) [Deleted Jan. 24, 1944]

(i) *Deerskins*—(1) *Definition.* "Deerskin" means the skin of any North American, New Zealand, or French Oceanian deer, except elk, moose, caribou skins and Alaska deerskins.

(2) No person shall process any deerskin or deerskin leather, except:

(i) To produce suitable leather meeting Army Air Force Specification 12038, as revised or amended from time to time: or

(ii) To fill a specific military order.

(3) No person shall sell or deliver any deerskin leather, or incorporate or manufacture any deerskin leather into any product, except to fill a specific military order.

(4) *Exceptions.* The restrictions of the preceding paragraphs (2) and (3) shall not apply to:

(i) Any deerskin or deerskin leather which does not meet and cannot be made to meet the specification referred to in subparagraph (2) (i) above;

(ii) Deerskin leather rejected in writing by the Army Air Force Eastern Procurement District, Inspection Section, New York, N. Y.

(iii) [Deleted Jan. 24, 1944]

(iv) Any person who at no time puts into process, splits, shaves, skives, sells, delivers or uses more than 25 deerskins during any calendar month beginning with March 1943, or causes more than 25 deerskins to be processed, split, shaved, skived, sold, delivered or used for his account during any such month.

(v) A skin taken off a deer after September 20, 1943 and owned by the person causing it to be processed or incorporated into a product for his personal use or for a gift.

(j) *Effect on prior orders.* Authorizations to buy hides issued prior to June 23, 1943, under Conservation Order M-194, shall continue in effect until the expiration date therein provided or until expressly revoked.

Authorizations and directions issued and appeals granted prior to June 23, 1943, under the following orders, shall continue in effect until the expiration date therein provided or until expressly revoked:

General Preference Order M-80
General Conservation Order M-94
Conservation Order M-114
General Conservation Order M-141
Conservation Order M-273
General Preference Order M-301

(k) *Reports.* Every person described below shall, on or before the 10th day of each month execute and file reports with the War Production Board, as directed on the respective forms mentioned below:

Tanners and converters of cattlehides	WPB-1325 formerly PD-569
Tanners and converters of calfskins and kips	WPB-1322 formerly PD-569A and WPB-2256 formerly PD-778
Tanners and converters of cattlehide side upper leather	WPB-2211 formerly PD-770
Tanners, converters, curriers, finishers, jobbers and dealers of harness, skirting, collar, latigo, lace, rigging, rawhide, bag, case, strap, and upholstery leather	WPB-2177 formerly PD-772
Tanners and converters of sole leather	WPB-1304 formerly PD-598B
Tanners and converters of horsehides	WPB-1001 formerly PD-475
Tanners and converters of shearlings	WPB-894 formerly PD-421
Tanners and converters of goatskins, kidskins, cabretta, or India tanned goatskins	WPB-1437 formerly PD-373
Sole cutters	WPB-1303 formerly PD-598A
Non-sole cutting shoe manufacturers	WPB-2209 formerly PD-598C
Finishers and converters of cattlehide splits	WPB-2351
Tanners and converters of glove and garment cattlehide grain leather	WPB-1795

Failure to file any report shall constitute a violation of this order.

(l) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate referring to the particular provision appealed from and stating fully the grounds of the appeal.

(m) *Communications to the War Production Board.* All reports, applications, forms, or communications required under or referred to in this order, and all communications concerning this order, shall, unless otherwise directed, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref. M-310.

(n) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or who furnishes false information to any department or agency of the United States is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

	Cattlehide calfskin and kip leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	Horsehide shank or non-military quality horsehide front leather may be incorporated in any product marked "Permitted" in this column	Goatskin leather not restricted to military orders or specifically restricted elsewhere in this order may be incorporated in any product marked "Permitted" in this column	All other leather may be incorporated in any product marked "Permitted" in this column
Footwear	Permitted except harness leather.	Permitted	Permitted	Permitted.
Transmission belts	Permitted	Not permitted	Not permitted	Permitted.
Hydraulic, packing and mechanical leather products.	Permitted	Not permitted	Not permitted	Permitted.
Leather products for textile equipment.	Permitted	Not permitted	Not permitted	Permitted.
Harness, horse collars, and saddlery for police, farm and industrial use, provided that lines are limited to 1 inch in width.	Permitted	Not permitted	Not permitted	Permitted.
Trusses	Permitted	Permitted	Permitted	Permitted.
Surgical supports	Permitted	Permitted	Permitted	Permitted.
Artificial limbs	Permitted	Permitted	Permitted	Permitted.
Orthopedic products including arch supports.	Permitted	Permitted	Permitted	Permitted.
Cattle and drivers' whips and quirts	Permitted	Not permitted	Not permitted	Permitted.
Laces and thongs	Permitted	Not permitted	Not permitted	Permitted.
Cap visors for military personnel	Permitted	Not permitted	Not permitted	Permitted.
Divers' equipment	Permitted	Not permitted	Not permitted	Permitted.
Motorcycle saddles	Permitted	Not permitted	Not permitted	Permitted.
Work chaps	Permitted	Not permitted	Not permitted	Permitted.
Work gloves	Permitted	Permitted	Permitted	Permitted.
Work aprons	Permitted	Permitted	Permitted	Permitted.
Garments for heavy duty workers, made from grain leather resulting unavoidably from tanning or cutting for specific military orders, but which was rejected as not meeting military specifications.	Permitted	Permitted	Permitted	Permitted.
Industrial safety clothing and equipment (exclusive of linesmen's belts) only to the extent essential for safety and protection in the performance of the workers' duties.	Permitted	Permitted	Permitted	Permitted.
Furniture leather essential for repair and maintenance of transportation equipment, office and commercial furniture.	Permitted	Not permitted	Not permitted	Permitted.
Athletic goods (except golf bags)	Permitted	Permitted	Not permitted	Permitted.
Leather puttees for peace officers, transportation and industrial workers.	Permitted	Not permitted	Not permitted	Permitted.
Rifle scabbards, rifle slings, pistol holsters, and pistol belts, when these items are to be sold to peace officers, guards, or cowboys.	Permitted	Not permitted	Not permitted	Permitted.
Luggage handles and attaching pieces, welts, bindings, corners, and closures, for types of luggage permitted by Schedule I of General Limitation Order L-284, but only if made from the types of leather permitted by paragraph (b) (1) (iv) of said Schedule.	Permitted	Not permitted	Not permitted	Permitted.
Rawhide hammers and hammer faces	Permitted	Not permitted	Not permitted	Permitted.
Functional parts of musical instruments (excluding straps, cases or containers).	Permitted	Not permitted	Permitted	Permitted.
Other products	Not permitted	Not permitted	Not permitted	Permitted.

SCHEDULE B

NOTE: Blocks II A, III A and III B amended May 25, 1944.

	Type of sole leather whole stock			
	Finders' bends	Manufacturers' bends-for-repair	Manufacturers' bends	Shoulders, bellies and shanks
Block I. Persons permitted to cut each type subject to the provisions of Blocks II and III below.	Cutter for the repair trade only, except that any sole leather cutter may cut to obtain outersoles, midsoles and toplifts only in accordance with Block IIB below.	Cutter for the repair trade only.	Any sole leather cutter.	Any sole leather cutter.
Method of cutting				
Block IIA. Except for deviation permitted in Block IIB below, each type shall be cut to yield maximum quantity of military quality cut stock shown in this block.	Bend pieces (which may not be further cut except in accordance with Block IIB).	Outersoles and innersoles (innersoles to be removed only from the first shoulder strip of the bend).	Outersoles and innersoles.	Innersoles.
Block IIB. Each type may be cut to produce the military quality cut stock shown in this block but only— 1. So as to yield the maximum quantity of such military quality cut stock, and 2. To the extent required to meet unfilled military orders of the kinds indicated.	Strips and taps cut from bends or from bend pieces, to meet any unfilled military order. Toplifts cut from bends, bend pieces, or other bend portions, to meet any unfilled military order. Outersoles and midsoles cut from bends or from bend pieces to meet military orders under Lend-Lease Act only.	May not be cut except under Block IIA.	Midsoles, counters and toplifts, to meet any unfilled military order.	Counters and midsoles to meet any unfilled military order.
Cutting and disposition of remainder of each type (including belly slabs resulting from cutting of bend pieces from finders' bends) after military quality cut stock has been obtained as provided in Block II.				
Block IIIA. Except as permitted in Block IIIB below, remainder of each type shall be cut and disposed of only as shown in this block.	To produce repair stock, other than outersoles, for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.	To produce repair stock, other than outersoles, and innersoles (innersoles to be removed only from the first shoulder strip of the bend), for sale only to finders for ultimate use by shoe-repairers or persons repairing their own shoes.	To produce cut stock for use by shoe manufacturers only.	To produce cut stock for use by shoe manufacturers only.
Block IIIB. Exceptions shall be only as shown in this block.	Finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles produced unavoidably in the course of cutting military outersoles—for sale only to shoe manufacturers.	Butt pieces, finders' toplifts and finders' pieces from which no tap can be obtained—unrestricted. Non-military outersoles and innersoles (innersoles to be removed only from the first shoulder strip of the bend), produced unavoidably in the course of cutting military outersoles and innersoles—for sale only to shoe manufacturers.	No exceptions.	No exceptions.

INTERPRETATION 1

EFFECT OF RATINGS ON EQUITABLE DISTRIBUTION

Paragraph (b) (5) of this order, the so-called equitable distribution clause, does not excuse filling of rated orders. This clause prohibits discrimination between customers who meet established prices, terms and credit requirements, but it does not override Priorities Regulation No. 1, which requires, subject to the conditions set forth, that all rated orders be accepted and that preference be given to orders carrying higher ratings over those with lower ratings.

The particular types of leather specified by preference rated orders must be delivered unless the leather cannot be produced from the hides or skins available to the tanner or the tanner is excused or prevented from filling the order by a regulation, order or direction of the War Production Board. If a rated order is placed for military quality leather, this order may not be filled with civilian quality leather. (Issued Apr. 11, 1944.)

INTERPRETATION 2

OFRA AND UNRRA ORDERS NOT WITHIN DEFINITION OF "MILITARY ORDER"

"Military order" as defined in paragraph (a) (5) does not include orders for delivery against contracts placed by the Office of Foreign Relief Administration or the United Nations Rehabilitation and Relief Administration, or orders for hides, skins or leather for incorporation in products to be delivered against such contracts. (Issued April 15, 1944.)

[F. R. Doc. 44-7490; Filed, May 25, 1944; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-356, as Amended May 25, 1944]

SYNTHETIC FIBERS, YARNS AND FABRICS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of synthetic fibers, yarns and fabrics for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

Nylon

§ 3290.326 *General Conservation Order M-356*—(a) *Definitions.* (1) "Nylon" means synthetic fiber-forming polymeric amides having a protein-like chemical structure, derivable from coal, air and water, or other substances, and characterized by extreme toughness and strength and the peculiar ability to be formed into fibers (yarns and fabrics) and into various shapes, such as bristles, sheets, etc. "Nylon" also means fibers, yarn, thread and fabrics made of nylon.

(2) "Nylon waste" means waste, noils and garnetted or reclaimed fibers (including scraps and clippings, generated in the manufacture of thread, fabrics, rope, braiding or other material containing nylon) the total nylon content of which is 95% or more by weight.

(b) *Restrictions on nylon.* (1) No person shall sell or deliver nylon except as specifically authorized in writing by the War Production Board.

(2) No person shall knowingly purchase, accept delivery or commercially use nylon contrary to any restriction of the War Production Board.

(c) *Restrictions on nylon waste.* No person shall sell, purchase, deliver, accept delivery, process or commercially use nylon waste except to recover nylon flake. No person shall mix nylon waste with any other waste material having less than 95% nylon content by weight.

Export of Fine Rayon Yarn and Rayon Fabrics

(d) *Definitions.* (1) "Rayon fabrics" mean broad woven synthetic fabrics (over 24 inches in width) made from continuous filament viscose yarn, cuprammonium yarn or cellulose acetate yarn, from viscose or acetate staple fiber, or from combinations or blends containing more than 50 per cent by weight of any such synthetic yarns. The term shall not include velvets, plushes, and other pile fabrics, upholstery, drapery and tapestry fabrics, and jacquard woven fabrics.

(2) "Fabric producer" means a person who wove, or caused to be woven for him on commission, an average of more than 25,000 yards of rayon fabrics per week during the three months' period ending September 30, 1943. Wherever the words "his total yardage production" or "produced by him" are used in paragraph (g), they refer to the yardage of rayon fabrics manufactured for, as well as by, the fabric producer.

(3) "Procurement orders" mean orders for rayon fabrics placed by the Army or Navy of the United States (including military exchanges and service departments when the order bears the appropriate endorsement referred to in paragraph (c) of Priority Regulation 17), the Maritime Commission or War Shipping Administration.

(4) "Export orders" means, with respect to fine rayon yarns as defined in General Preference Order M-37-d, orders bearing a preference rating of AA-3 or higher, and with respect to rayon fabrics, orders bearing a preference rating of AA-5 or higher, for material which is covered by or the subject of one of the following:

(i) An export license issued by Foreign Economic Administration.

(ii) A release certificate issued by or pursuant to the authority of Foreign Economic Administration in connection with a program license of the Foreign Economic Administration.

(iii) A United States Treasury Procurement Division contract or requisition placed for Foreign Economic Administration under the Act of March 11, 1941, (Lend-Lease).

(iv) A purchase by The Canadian Commodity Prices Stabilization Corporation.

(v) An order from a manufacturer, who has accepted orders for garments or materials covered by export orders defined in subdivisions (i), (ii), (iii) above, for goods to be incorporated in such garments or materials.

Deliveries to or for United States Army, Navy, Maritime Commission or War Shipping Administration, and deliveries to Canada, other than on orders referred to in subdivision (iv), are not exports for the purpose of this order.

(e) (1) No preference rating applied or assigned in connection with any export order as defined in paragraph (d) (4) shall be valid, used, or given any effect unless the preference rating is applied and extended as provided in Priorities Regulation 3 and, in addition, substantially one of the following notations (whichever is appropriate) is placed on the order:

(i) The goods hereby ordered will be exported (or will be incorporated in materials to be exported) under export license No. _____ (fill in) issued by Foreign Economic Administration.

(ii) The goods hereby ordered will be exported (or will be incorporated in materials to be exported) under release certificate No. _____ (fill in) issued by or pursuant to the authority of Foreign Economic Administration.

(iii) The goods hereby ordered are (or will be incorporated in material that is) the subject of United States Treasury Procurement Division Contract No. _____ (fill in).

(iv) The goods hereby ordered will be delivered to or for the account of The Canadian Commodity Prices Stabilization Corporation.

(When this is done the requirements of M-328 are met, and it is unnecessary to use any other notation.)

(2) No person shall purchase, accept delivery of, deliver or knowingly sell for delivery for export any rayon yarn or rayon fabric, without a preference rated export order as defined in paragraph (d) (4), except rags or pieces of fabric shorter than ten yards.

(f) *Establishment of export quotas for fine rayon yarn.* (1) An export quota system is hereby established for the producers of fine rayon yarn as defined in General Preference Order M-37-d. Such export quotas will be established from time to time by the War Production Board within which quotas the Foreign Economic Administration will be authorized to assign preference ratings. Until further notice from the War Production Board, each producer of fine rayon yarn shall, regardless of preference ratings, each day set aside an amount of such yarn equal to the production of 4% of his active spindles producing viscose or cuprammonium yarn and 4% of his active spindles producing acetate yarn. The number of active spindles producing high tenacity tire-type rayon yarn shall not be included in computing the above percentages. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule. No producer of fine rayon yarn shall be compelled to export or accept an order for export of fine rayon yarn in excess of the export quota so established for him: *Provided*, That no such producer shall be prohibited from exporting or accepting an order for export of fine rayon yarn in excess of such quota, unless specifically prohibited by the War Production Board.

(2) *Disposition of export yarn not booked or delivered.* All export yarn set aside from the production of any one month, pursuant to the provisions of paragraph (f) (1) and which has not been delivered or booked during said month, shall be immediately available

for sale to any person otherwise eligible to purchase such yarn.

(3) [Deleted Feb. 8, 1944]

(g) *Establishment of export quota for rayon fabrics.* (1) An export quota system is hereby established for rayon fabrics. Pursuant to such system export quotas will be fixed from time to time by the War Production Board. Until further notice from the War Production Board, each fabric producer must accept and fill export orders for rayon fabrics until they aggregate for the current calendar quarter four per cent of his total yardage production of rayon fabrics (excluding yardage produced by him to fill procurement orders) during the preceding calendar quarter. No fabric producer is required to accept or fill export orders for more than the established export quota, nor for more than fifteen per cent of any particular construction of rayon fabrics produced by him during the current calendar quarter. However, he is not prohibited from doing so, unless compliance with other orders or regulations of the War Production Board would forbid it.

(2) *Unfilled export quota to be carried over to next quarter.* If a fabric producer does not fill his entire export quota of rayon fabrics in any calendar quarter, the unfilled portion hall be added to his quota for the next succeeding quarter. The portion so carried over which is not filled in such succeeding quarter may be dropped. To illustrate: if the export quota of a fabric producer for the second quarter of 1944 is 100,000 yards and he books or delivers only 75,000 yards during that quarter, the remaining 25,000 yards shall be added to his quota for the third quarter of 1944. If his quota for that quarter is also 100,000 yards, he is required to accept and fill export orders aggregating 125,000 yards during the third quarter. Any part of the 25,000 yards not delivered during the third quarter is thereafter free from the restrictions of this order.

Miscellaneous Provisions

(h) *Miscellaneous provisions* — (1) *Applicability of regulations.* This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, and General Conservation Order M–328, as amended from time to time.

(2) *Appeals.* Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(3) *Reports.* Each producer of rayon fabrics shall forward to the War Production Board each week a copy of every export order accepted by him during the week. Each producer of rayon fabrics shall file with the War Production Board quarterly production reports on Form WPB–658–C within the time specified on said form. This reporting requirement has been approved by the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(4) *Violations.* Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(5) *Communications.* All reports required to be filed hereunder and all communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Textile, Clothing and Leather Division, Washington 25, D. C., Reference: M–356.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–7494; Filed, May 25, 1944; 11:16 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M–356, as Amended May 25, 1944, Interpretation 1]

ALL PRODUCERS OF RAYON FABRICS REQUIRED TO REPORT

The following interpretation is issued with respect to General Conservation Order M–356:

Although "fabric producer" is defined in paragraph (d) (2) to mean a person who wove or caused to be woven for him on commission an average of more than 25,000 yards of rayon fabric per week during the three months' period ending September 30, 1943, paragraph (h) (3), the reports paragraph, refers to each producer of rayon fabrics regardless of the quantity he produces. Accordingly, all producers of rayon fabrics are required to report.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–7493; Filed, May 25, 1944; 11:16 a. m.]

PART 3291—CONSUMERS DURABLE GOODS[1]

[Limitation Order L–23–b, as Amended May 25, 1944]

DOMESTIC ELECTRIC RANGES

Section 3291.180[1] *Limitation Order L–23–b* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials and facilities for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3291.180 *Limitation Order L–23–b*— (a) *What this order does.* This order controls the manufacture and delivery of new domestic electric ranges. It provides for the resumption of production of these items on a limited basis.

(b) *Definitions.* For the purpose of this order:

(1) "New electric range" means any range or cooking stove designed primarily for home use having as functional parts electric heating elements of a total rated wattage of 2½ kilowatts or over, and which has never been used by a consumer.

(2) "Consumer" means any person who gets an electric range for installation or use, including a builder of a housing project.

(3) "Manufacturer" means any person who produces or assembles new electric ranges, or who produced or assembled them during the base period.

(4) "Base period" means the twelve months period beginning July 1, 1940.

(5) "Distributor or dealer" means any person who buys new electric ranges for resale at the wholesale or retail price level.

(6) "Special order" means any purchase order or contract calling for delivery to or for the account of the Army or Navy of the United States, the U. S. Maritime Commission, the War Shipping Administration, the Federal Public Housing Authority, the Home Owners Loan Corporation acting for the National Housing Agency, or any purchase order or contract covered by an export license, release certificate, or Lend-Lease requisition approved or authorized by the Foreign Economic Administration.

(c) *Production of electric ranges.* (1) No person shall make any new electric ranges except in models and quantities specifically authorized by the War Production Board on Form CMPL–150–b. Application should be made by filing Form WPB–3700 with the field office of the War Production Board for the district in which the electric ranges will be made.

(2) Manufacture of new electric ranges will be authorized so that the total production will not exceed the approved War Production Board Program and so that production in any one plant or labor requirements therefor will not interfere with war production in that plant, or in any other plant located in the same area. Wherever practical, each manufacturer will be permitted under paragraph (c) (1) to make in each calendar quarter, for other than special orders, the number of new electric ranges set forth in Table A. However, to ensure full production of approved requirements, the War Production Board may assign additional quotas to qualified manufacturers. Authorization will be given to produce for special orders without reference to base period production. In general, no single manufacturer will be authorized to produce for other than special orders, more than one model of the standard size and one model of the low oven apartment house type electric range. Approval of models will be based largely on economy of production and the volume of production of the individual models by a manufacturer during the base period. The War Production Board will, from time to time or on request of any manufacturer, give notice to all manufacturers of the total production authorized and the percentage of his base period production authorized to each individual manufacturer.

(3) Manufacturers who are unable to produce in their own plant because of interference with war production may apply to the War Production Board for authorization to have another manufacturer make electric ranges for them.

[1] Formerly Part 1028, § 1028.8.

Each application should be made by filing Form WPB–3700 in accordance with the applicable instructions.

(d) *Relief on outstanding appeals remains in effect.* The provisions of paragraph (c) do not apply to the production or assembly of electric ranges under an appeal from Order L–23–b granted by the War Production Board before May 25, 1944.

(e) *Restriction on production of parts.* No person shall make any parts for an electric range (including repair and replacement parts) if by making those parts he would have more parts of that type in his inventory than a three months' supply. A person, however, is not required to make less than a minimum practical run of any parts (including repair and replacement parts) in order to comply with the provisions of this paragraph.

(f) *WPB may direct distribution of ranges for specified purposes.* The War Production Board, on Form CMPL–150–b or otherwise, may direct a manufacturer as to the number of new electric ranges he may distribute for specified purposes such as housing projects, and may state the conditions under which he may sell and ship the electric ranges.

(g) *How new electric ranges may be sold to consumers.* No person may sell or deliver any new electric range to a consumer except in accordance with the rules stated below.

(1) Sales may be made to fill special orders for which production has been authorized under paragraph (c) (1).

(2) Sales may be made to a person who furnishes a certificate in substantially the following form:

I certify to the War Production Board and to the seller: I own or occupy the residence at _____. It has the inside and outside wiring needed for an electric range, and my electric company has told me that electric service for range operation will be supplied. I do not have any electric range for this residence which can be used or repaired.

_____
Signature of purchaser

(3) Sales may be made to fill orders for electric ranges to be installed in housing projects approved by the National Housing Agency or War Production Board under Preference Rating Order P–55–c if the purchaser endorses on his purchase order a statement substantially as follows:

This order is placed pursuant to authority granted under Order P–55–c. I have been authorized by the War Production Board or National Housing Agency to install these electric ranges in Project No. _____ located at _____.

_____

A distributor or dealer may not deliver on such an order any new electric ranges which were not delivered to him for housing projects, unless he is advised by the manufacturer that replacements will be shipped from the inventory of electric ranges which the manufacturer has been authorized to distribute for housing projects.

(4) Sales may be made on special authorization of the War Production Board granted on Form WPB–1319. Applications should be made on this form in accordance with the instructions for its use which are obtainable at field offices of the War Production Board. Authorizations will not be granted for electric ranges on Form WPB–1319 except for installation and use by Federal, state, and local governmental agencies, educational institutions and service institutions, such as the American Red Cross and the United Service Organization, where the use of commercial cooking equipment is not practicable, as for example in diet kitchens and domestic science classrooms.

(5) The standard certification provided for in paragraph (d) of Priorities Regulation 7 cannot be used in place of the certificates mentioned above. A seller may not sell to a person furnishing any of these certificates if he knows or has reason to believe that the facts stated are false.

(h) *Policy for distribution of ranges.* It is the policy of the War Production Board that each manufacturer shall distribute electric ranges through his normal distribution channels taking into consideration shipments to areas during 1941, migration of workers to certain areas, and such other factors as will provide equitable distribution to meet essential needs. This does not apply to electric ranges sold on special orders or for housing projects. The War Production Board may direct the distribution of specified quantities to any area from any manufacturer's production.

(i) *Preference ratings not valid for purchase of new electric ranges.* No preference rating lower than AAA shall be valid for the purchase of new electric ranges and orders bearing such preference ratings are to be treated as unrated orders.

(j) *Reports.* Every manufacturer producing or shipping electric ranges shall file Form WPB–1600, executed in accordance with the instructions for filing that form, with the War Production Board, Washington 25, D. C., Ref: L–23–b, on or before the 15th day of July, October, January and April. This form is a report of the number of new electric ranges made and shipped during the preceding quarter.

(k) *Applicability of other orders and regulations.* This order and all transactions affected by it are subject to all applicable regulations of the War Production Board. If any other order of the War Production Board limits the use of any material in making electric ranges to a greater extent than this order does, the other order shall govern.

(l) *Violations.* Any person who wilfully violates any provision of this order or who, in connection with this order, wilfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(m) *Appeals.* Any appeal from this order should be made on Form WPB–1477 which should be filed in triplicate with the field office of the War Production Board for the district in which is located the plant to which the appeal relates.

(n) *Communications.* All reports required to be filed hereunder, and all communications concerning this order shall, unless otherwise directed, be addressed to the War Production Board, Consumers Durable Goods Division, Washington 25, D. C., Ref: L–23–b.

NOTE: The reporting and application requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

TABLE A

Quarterly production of electric ranges will be authorized when practical to manufacturers as follows:

Class A—2¼% of base period production, or 1200 units, whichever is greater.
Class B—4% of base period production, or 300 units, whichever is greater.
Class C—10% of base period productions.

Class A manufacturers are those who made more than 30,000 new electric ranges in the base period; Class B manufacturers are those who made between 3,000 and 30,000 in the base period, and Class C manufacturers are those who made less than 3,000 in the base period.

[F. R. Doc. 44–7495; Filed, May 25, 1944; 11:17 a. m.]

PART 3294—IRON AND STEEL PRODUCTION

[Order M–126, as Amended Mar. 31, 1944, Amdt. 3]

Section 3294.63 *General Conservation Order M–126* is hereby amended as follows:

(a) By deleting the following item on List A:

Swivel chairs—except castors.*

(b) By deleting the following item from List C:

Swivel chairs—for use on board ship.*

Issued this 25th day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44–7496; Filed, May 25, 1944; 11:17 a. m.]

Chapter XI—Office of Price Administration

PART 1300—PROCEDURE

[Procedural Reg. 11[1] Incl. Amdts. 1-3]

NOTICE OF INCREASES IN RATES AND CHARGES OF COMMON CARRIERS AND OTHER PUBLIC UTILITIES

This compilation of Procedural Regulation 11 includes Amendment 3, effective May 29, 1944. The text amended by Amendment 3 is underscored.

Pursuant to the authority conferred by the Emergency Price Control Act of 1942, as amended, including sections 2 (a), 201 (d), and 202 (a) of that act and sections 1, 2, and 7 (b) of the act to amend the Emergency Price Control Act of 1942, to aid in preventing inflation and for other purposes, by Executive Order No. 9250,[2] dated October 3, 1942, and Directive No. 1 of the Director of Economic Stabiliza-

*The use of iron and steel in the manufacture of swivel chairs is now regulated by Limitation Orders L–13–a and L–260–a.

[1] 7 F.R. 9390.

[2] 7 F.R. 7871.

tion,[3] the following rules are prescribed for the filing of notices of proposed general increases in rates or charges of common carriers and other public utilities.

[Preamble amended by Am. 2, 9 F.R. 3299, effective 3-24-44]

Sec.

1300.901 Definition.
1300.902 General requirements with respect to notices.
1300.903 Contents of notice filed by common carriers other than common carriers included in § 1300.904.
1300.904 Contents of notices of proposed increase in rates and charges of public utilities.
1300.904a Contents of notices of proposed increases in rates and charges of public utilities subject to regulation under the Packers and Stockyards Act.
1300.905 Supplementary orders.
1300.906 Effective date.

AUTHORITY: §§ 1300.901 to 1300.906 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

§ 1300.901 *Definition.* For the purpose of this Procedural Regulation No. 11, a general increase in the rates or charges of a common carrier or other public utility is defined as any change in its rates, fares, classifications, rules, regulations or practices which results in an increase in the charges for transportation or other public utility service applicable to a class of passengers, shippers or customers, including increases in wholesale or industrial rates or charges for public utility services, as distinguished from an increase of rates or charges applicable to a particular customer or transportation service under special arrangement.

§ 1300.902 *General requirements with respect to notices.* Thirty (30) days before the effective date of a general increase in the rates or charges of any common carrier or other public utility, there shall be filed with the Transportation and Public Utilities Division of the Office of Price Administration, Washington, D. C., two copies of notice of such proposed increase, except as otherwise provided in paragraphs (d) and (e) of § 1300.904. Such notices shall be deemed to have been filed when received in the Office of such Division. If authority for the establishment of any such increase is required by any regulatory agency, notice shall be given on or before the time such authority is sought in order that the Price Administrator may have timely opportunity to intervene, but in no event shall such notice be given less than 30 days before such proposed increased rates or charges are to become effective. All notices shall state the name and address of the Federal, State or municipal authority having jurisdiction over the rates or charges in question.

Each such notice shall contain a statement that the common carrier or other public utility consents to the timely intervention by the Price Administrator, or behalf of the Director of Economic Stabilization, before the Federal, State or municipal authority having jurisdiction to consider such increase.

[3] 7 F.R. 8758.

One copy of each notice must be over the signature of an executive officer, a responsible traffic officer, or a duly authorized attorney or agent of the carrier or other public utility. Duly authorized officers of corporate agents shall sign on behalf of such agents. The person signing the notice shall certify that the information contained therein is true to the best of his knowledge, information and belief.

§ 1300.903 *Contents of notice filed by common carriers other than common carriers included in § 1300.904.* (a) For the purpose of this section the term common carrier shall include all common carriers except those included in § 1300.904 and except other common carriers with respect to the transportation of passengers when the maximum rates or charges for such transportation of passengers are not established, or otherwise regulated, by a federal, state or municipal authority having jurisdiction over such rates or charges.

[Paragraph (a) added and former (a), (b) and (c) redesignated (b), (c) and (d) by Am. 2, 9 F.R. 3299, effective 3-24-44]

(b) Notice filed by common carriers other than common carriers included in § 1300.904 shall show the names and addresses of the carriers on whose behalf the notice is filed, except that in case of a notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff filed with a federal agency, reference may be made to such tariffs wherein is shown the names of the carriers for whom such agent is acting. In case of notice filed by an agent or agents on behalf of a group of carriers, parties to a tariff not filed with a federal agency, one copy of such tariff showing the names and addresses of such carriers may be submitted.

In cases other than those specified in paragraph (d), the notice shall contain a reference to the tariffs filed with a regulatory authority having jurisdiction, or, in lieu thereof, a statement of specific changes proposed.

[Above paragraph amended by Am. 3, effective 5-29-44]

(c) Notice of increases of the character set forth in paragraph (d) shall also contain the information indicated below:

[Above paragraph amended by Am. 3, effective 5-29-44]

(1) The present and proposed rates, fares, charges, classifications, practices, rules or regulations, the commodities affected, the minimum weight and the points between which the changes apply shall be shown: *Provided,* That where it is proposed to increase a large number of rates, fares or charges, the notice instead of showing each specific change may show the present and proposed rates, fares, or charges between typical points: *Provided further,* That where it is proposed to change a rule a clear statement of the effect of the change shall be made.

(2) If the proposed rates, fares or charges are predicated on the proceedings or order of a regulatory agency having jurisdiction over those rates, the notice shall so indicate by proper reference to each proceeding.

(3) A statement of the reasons for the increases sought to be established shall be submitted with the notice. There may be submitted as a part of such statement an estimate of the volume of movement under the rates proposed to be increased when that information is available, and comparisons of the present and proposed rates with comparable rates of other carriers or with other rates of the carrier filing the notice.

(4) Upon request of the Office of Price Administration, the tariff or rate sheet authorities of the present rates, ratings or rules shall be indicated as well as the tariff or rate sheets in which the proposed rates, ratings or rules will be published.

(d) The information set forth in paragraph (c) shall be filed in every case where the proposed general increase is of the following nature:

[Above paragraph amended by Am. 3, effective 5-29-44]

(1) An increase of general application within a recognized rate territory, or between such territories; or

(2) An increase having application from or to numerous points of origin or designation; or

(3) An increase in a proportional rate or rates which by application in connection with other rates, apply from or to numerous points of origin or destination; or

(4) An increase in a rate or rates between points which are related to rates applying from or to other points which on the whole apply from or to numerous points of origin or destination; or

(5) An increase in a rate or rates between two or more points on one or more commodities or class of passengers when the transportation between such points constitutes a substantial part of the business of the carrier.

§ 1300.904 *Contents of notices of proposed increase in rates and charges of public utilities.* (a) For the purpose of this section the term public utility shall include the following: Any person, firm, corporation (private or public) engaged in the production, transmission, or sale of electric energy, gas (whether natural artificial, or mixed), water, or heat; or in the transportation or transmission of electric energy, gas, water, or heat; and any person, firm, or corporation (private or public) appropriately classified as a public utility and subject to regulation as such when engaged in the transmission of messages, communications, or other intelligence by telephone, telegraph, cable, radio, or other wire or wireless conductors or appliances, as a common carrier for hire, or when engaged in the transportation as a common carrier of passengers by street railway, trolley, bus or motor vehicle in urban areas; or when engaged in the storage or warehousing of any commodity or in the performance of any other service not listed elsewhere in this paragraph or in § 1300.903, maximum rates or charges for such transmission, transportation, storage, warehousing, or other service having been established, or otherwise

regulated, by a federal, state or municipal authority having jurisdiction over such rates or charges.

[Paragraph (a) amended by Am. 2, 9 F.R. 3299, effective 3-24-44]

(b) The notice filed by a public utility shall be accompanied by a copy of each application or petition submitted to any regulatory agency in support of the request for such increase in rates or charges.

(c) The following information or data shall be submitted with each notice filed by a public utility, except as provided in paragraphs (d) and (e); *Provided*, That if such information or data is furnished pursuant to the requirements of § 1300.-902 above, it need not be furnished in duplicate under this paragraph:

(1) A statement of the reasons for the proposed increase;

(2) A comparison of the existing and proposed rates or charges;

(3) A statement indicating the class or classes of customers affected, and the approximate number of each such class; and the community or communities, or territory affected;

(4) An estimate of the probable sales and increase in revenue under the proposed rates or charges for a period of twelve months after the increase becomes effective.

[Subparagraph (4) amended by Am. 1, 8 F.R. 6671, effective 5-25-43]

(5) Detailed income statements for the two calendar years preceding the filing of the application or petition, and an income statement for as much of the current years as is available;

(6) Balance sheets as of the end of the calendar year preceding the filing of the application or petition, and also as of the latest date for which such balance sheets are available;

(7) A statement of Federal income taxes paid or accrued during the calendar year 1939 and each calendar year thereafter, including the current year; with the statement for the calendar year 1940, and all subsequent years thereto, broken down to show the normal, surtax and excess profits taxes paid in each such year.

[Subparagraph (7) amended by Am. 1, 8 F.R. 6671, effective 5-25-43]

(8) A statement, if available, showing the original cost of the facilities used, and useful in furnishing the service for which increased rates or charges are proposed.

(d) Local telephone companies having five hundred or less stations shall not be required to file the information or data specified in subparagraphs (4) to (8), inclusive of paragraph (c) above, excepting the filing of the latest available annual income statement.

(e) Taxicab owners or taxicab companies shall serve notice upon the nearest district Office of Price Administration. The Office of Price Administration may at its discretion, and upon a showing of the necessity thereof, exempt a taxicab owner or company from such part of the requirements of paragraph (c), as is deemed advisable.

[Paragraph (e) amended by Am. 1, 8 F.R. 6671, effective 5-25-43]

§ 1300.904a *Contents of notices of proposed increases in rates and charges of public utilities subject to regulation under the Packers and Stockyards Act.* (a) For the purpose of this section, the term "public utility" shall include any person, partnership, corporation or association whose rates and charges are subject to regulation under the Packers and Stockyards Act.

(b) Notices filed by such public utility shall be accompanied by a copy of each tariff, application, or petition submitted to the Department of Agriculture in support of the request for increases in rates and charges.

(c) With the exception of proposed increases under paragraph (e) of this section, the following information or data shall be submitted with each notice filed by such public utility:

(1) A statement of the reasons for the proposed increase.

(2) A comparison of the existing and proposed rates or charges.

(3) A statement indicating the class or classes of customers affected.

(4) An estimate, if available, of the probable volume of receipts, by units, and revenue producible under the proposed rates and charges for a period of 12 months after the proposed increase becomes effective.

(5) A statement of Federal income taxes paid or accrued during the calendar year 1939 and each calendar year thereafter, including the current year.

(6) Income and expense statements for each of the two calendar or fiscal years preceding the filing of the tariff and an income and expense statement for as much of the current year as is available.

(i) A statement showing items of income and expense which the public utility believes should be excluded for rate-making purposes and the reasons therefor.

(d) In each of the following three types of proposed rate increases, additional information shall be filed as specified under each of the following types:

(1) *Tariffs filed under section 306 of the Packers and Stockyards Act increasing rates and charges except commission rates, feed rates, and rates for miscellaneous services.* (i) Balance sheet as of the end of each of the two calendar or fiscal years preceding the filing of the tariff, and also as of the latest date for which such balance sheet is available.

(ii) A statement, if available, showing the original cost and the fair value of properties alleged to be used and useful in the furnishing of the services. If the original cost and/or the fair value of such properties is not available, a statement should be furnished showing the claimed value of such properties for rate-making purposes, and the basis upon which such value is estimated.

(iii) Statement showing volume handled, by units, for each of the two calendar or fiscal years preceding the filing of the tariff and for as much of the current year as is available, set up in conformity with the provisions of the tariffs in effect during such periods.

(2) *Proposed modification of rate orders to increase rates except commission rates, feed rates, and rates for miscellaneous services.* (i) A statement showing the original cost and the fair value of properties as found in prior orders and a detailed statement supporting any claimed changes affecting such value.

(ii) Statement showing volume handled, by units, for each of the two calendar or fiscal years preceding the filing of the petition and for as much of the current year as is available, set up in conformity with the provisions of the tariffs in effect during such periods.

(iii) Balance sheet as of the end of each of the two calendar or fiscal years preceding the filing of the petition and also as of the latest date for which the balance sheet is available.

(3) *Proposed modification of rate orders to increase commission rates.* (i) Statement showing claimed reasonable per head costs or alleged reasonable unit costs as compared with reasonable per head or other unit costs as set forth in prior orders.

(ii) Statement showing volume handled, by units, for each of the two calendar or fiscal years preceding the filing of the petition and for as much of the current year as is available, set up in conformity with the provisions of the tariffs in effect during such periods.

(iii) Balance sheet as of the end of each of the two calendar or fiscal years preceding the filing of the petition and also as of the latest date for which such balance sheet is available.

(e) *Proposed increases which relate exclusively to rates for feed and rates for miscellaneous services.* (1) Where proposed increases in rates and charges relate exclusively to rates for feed and rates for miscellaneous services, such as bedding, immunization, vaccination, disinfection, insecticides, cleaning and disinfecting pens and chutes, branding, dehorning, castrating, dockage inspection, health inspection, grading, weighing, or other miscellaneous services, the notice need state only that the proposed increased rates have been filed with the Secretary of Agriculture. Such notice shall be accompanied by a copy of the tariff, application, or petition submitted to the Secretary of Agriculture. Unless the Administrator of the Office of Price Administration informs the Secretary of Agriculture within 5 days after the receipt of such notice that the full 30-day period is desired to determine whether intervention is necessary, such proceedings may be disposed of in accordance with the provisions of the Packers and Stockyards Act.

(f) The Office of Price Administration may, at its discretion and upon showing of necessity therefor, exempt any Public Utility coming under this section from such part of the above requirements as is deemed advisable.

(g) In every instance one copy of the required information shall be sent to each of the following:

(1) Transportation and Public Utilities Division, Office of Price Administration, Washington, D. C.

(2) Chief, Packers and Stockyards Division, Livestock and Meats Branch, Food Distribution Administration, U. S. Department of Agriculture, Washington, D. C.

(h) The public utility need not file any required item of information which was previously submitted on any form issued by the Office of Price Administration, but should in such event notify this Office of the fact of such previous filing and identify the same.

[§ 1300.904a added by Am. 1, 8 F.R. 6671, effective 5–25–43]

§ 1300.905 *Supplementary orders.* The Administrator may issue such supplementary orders as may be required to effectuate the purposes of this regulation.

§ 1300.906 *Effective date.* This Procedural Regulation No. 11 (§§ 1300.901 to 1300.906, inclusive) shall become effective November 12, 1942. [Procedural Regulation 11 originally issued November 12, 1942]

[Effective dates of amendments are shown in notes following the parts affected]

NOTE: All reporting and record-keeping requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 24th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7467; Filed, May 24, 1944; 4:38 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 421,[1] Incl. Amdts. 1–10]

CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

This compilation of Maximum Price Regulation 421 includes Amendment 10, effective May 25, 1944. The text added or amended by Amendment 10 is underscored. Deletions are indicated by notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 421 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.360 *Ceiling prices of certain foods sold at wholesale.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order 9250, and Executive Order 9328, Maximum Price Regulation No. 421, which is annexed hereto and made a part hereof, is hereby issued.

[1] 8 F.R. 9388.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

AUTHORITY: § 1351.360 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 421—CEILING PRICES OF CERTAIN FOODS SOLD AT WHOLESALE

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ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the foods listed in Table A for wholesalers selling these food products. These new ceiling prices are to be used on and after August 5, 1943, instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars and cents ceiling prices, which has been or which may be, issued by the OPA pursuant to General Order No. 51.[3]

SEC. 2. *How you determine to which class your business belongs*—(a) *What wholesalers are covered.* Your business is classified under this regulation if, prior to the effective date of the regulation you were and still are a wholesaler, the larger part of whose food sales are of food products which you purchase for resale and distribute from your warehouse without materially changing their form, to independent retail stores, or to commercial, industrial or institutional users. This regulation does not apply, however, to "wagon wholesalers" or "flour jobbers."

[Paragraph (a) amended by Am. 7, 9 F.R. 2562, effective 3–13–44.]

(b) *Classes of wholesalers.* Wholesalers covered by this regulation are defined as follows:

(1) *Class 1; retailer-owned cooperative wholesaler.* You are a retailer-owned cooperative wholesaler if you are either a non-profit organization or a corporation 51 percent of the stock of which is owned by your independent retailer customers.

(2) *Class 2; cash-and-carry wholesaler.* You are a cash-and-carry wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, made without delivery, to independent retail stores, or if they were made with delivery you made a charge for delivery to all customers.

(3) *Class 3; service wholesaler.* You are a service wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made, to independent retail stores, with delivery to all customers in a base zone without charge.

(4) *Class 4; institutional wholesaler.* You are an institutional wholesaler if you are not in Class 1 and the larger part of your food sales were, prior to the effective date of this regulation, and still are made to commercial, industrial or institutional users. For the purposes of this regulation "marine provisioners" shall be considered institutional wholesalers. (If you do business in more than one of the ways outlined above, see sections 17, 18, 19, and 20.)

[Subparagraph (4) amended by Am. 7, 9 F.R. 2562, effective 3–13–44.]

[Section 2 amended by Am. 6, 8 F.R. 17368, effective 1–8–44, and as otherwise noted.]

SEC. 3. *How and when you figure ceiling prices*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container type and container size) of food listed in Table A shall be the result of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, multiplied by (2) the mark-up figure given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business

[3] Revised: 9 F.R. 408.

on August 5, 1943, you must have figured your ceiling price for each item of food covered by this regulation which you have in stock at that time. Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26, and August 5, for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the item, based on its most recent delivery to you before August 5, 1943. Your "net cost" will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container size and container type.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost of the unit in which you receive delivery (i. e. per dozen, per case, per bag, etc.) to the nearest cent.

(3) For items you "manufacture or otherwise process" use the special rules in section 16.

(b) *Mark-up.* Turn to Table A to find the mark-up figure for the item given your class of wholesaler. Table A lists all the items covered by this regulation by commodity groups.

(c) *Ceiling price.* Next multiply your "net cost" by the mark-up figure in Table A for your class of wholesaler for the item being priced. The resulting amount will be your ceiling price. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you may be allowed to change it.)

(d) *Fractions.* All calculations of ceiling prices resulting in a fraction of a cent shall be reduced to the nearest lower cent if the fraction is less than one-half cent, and shall be increased to the nearest higher cent if the fraction is one-half cent or more.

If you sell an amount less than the unit in which you receive delivery, you must reduce your ceiling price proportionately, rounding any fraction to the next higher cent.

(e) *Invoices.* You must write your net cost per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record.

You must keep separate, or mark or tag plainly, all invoices or records showing the "net cost" of the unit in which you received delivery and which you used in figuring your ceiling prices. The invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items."* (a) A "new item" is any item which you did not have in stock at the opening of business on August 5, 1943. You must figure your ceiling price for a "new item" before selling it, following the rules in section 4, basing your "net cost", however, on the first delivery of the item to you on or after August 5, 1943.

In pricing new items it is a violation to use the "net cost" of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner. If your first purchase is of this type you must find out and use, in figuring your ceiling price, what the "net cost" would be of a purchase from a type of supplier usually used for a similar item and of an amount in which a similar item is usually purchased.

SEC. 5a. *New wholesalers.* If, on or after August 5, 1943, you begin to operate as a wholesaler as defined in section 2, you are subject to this regulation, and as such a new wholesaler you must figure all your ceiling prices for all sales of food items covered by this regulation in accordance with the following provisions:

(a) If you are a retailer-owned cooperative wholesaler, you must figure all of your ceiling prices for sales to members as a retailer-owned cooperative (Class 1) wholesaler and are subject to all of the provisions applicable to such a wholesaler.

(b) If you are not a retailer-owned cooperative wholesaler you must figure your ceiling prices in the following way:

(1) For sales to independent retail stores made without delivery, you shall use the mark-ups applicable to a cash-and-carry (Class 2) wholesaler.

(2) For sales to independent retail stores made with delivery, you shall use the mark-ups applicable to a service (Class 3) wholesaler.

(3) For sales to commercial, industrial or institutional users, you shall use the mark-ups applicable to an institutional (Class 4) wholesaler.

(c) You must figure your ceiling price for an item before selling it, in accordance with section 4, basing your "net cost", however, on the first delivery of an item to you on or after the date you open your place of business subject to all of the provisions covering the sales of "new items" in section 5.

(d) For sales to retail stores which are not independent retail stores, and for sales to other wholesalers, your ceiling price for any item shall be your supplier's ceiling price for such item plus transportation charges to your usual receiving point.

(e) Within 10 days after you become a new wholesaler under this section, you must notify your nearest District OPA office that you are operating under the provisions of this section.

(f) The provisions of this section may not be used by any person, who, at the opening of business on August 5, 1943, was subject to this regulation, or by any person owned or controlled by any wholesaler who at the opening of business on August 5 was subject to this regulation.

[Sec. 5a added by Am. 6, 8 F.R. 17368, effective 1-8-44.]

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct wholesalers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. If that delivery is from another wholesaler covered by this regulation, you must use the "net cost" of the other wholesaler. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you receive later shipments with the same notice you must not change your ceiling price again.

When you make a sale to a retail store at this new ceiling price, you must send with your invoice a copy of the notice received by you from your supplier if the notice is not attached to the item you are selling.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 6, 8 F.R. 17368, effective as to paragraph (a) 1-8-44, and as to paragraph (b) 12-29-43]

SEC. 7. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it, by any stratagem, scheme, or device. You must not, as a

condition of selling any particular food item, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost, as used in section 4, would be and use that net cost to figure your ceiling price.

SEC. 8. *Invoices and receipts.* You must give each of your customers an invoice, receipt or other evidence of purchase in connection with every sale, retaining a copy for your files. Each such record you prepare and give your customer must show the date of sale, the name and address of your customer, your name and address, each food item sold, and the price you charged for it. Be sure that your description of each item shows the kind, brand, variety, container-size and container-type.

In addition, you must, on or before May 8, 1944, file with your nearest District OPA office a list of the items of canned fruits and canned vegetables you sell for which OPA regulations require processors to notify purchasers of the grade. (For example, in Maximum Price Regulation No. 306 certain items are listed by grades such as "A", "B", "C", or "Fancy", "Extra Standard" and "Standard". Each processor selling such an item must furnish the purchaser with an invoice describing the item and separately stating its grade.) The list must give your name and address, and the name of each brand and the grade thereof. If at any time the grade is changed so that it is different from the grade shown on the list, or if you offer for sale an item which you were not selling at the time you filed your list, you must, within 5 days of such change or such addition, notify your nearest District OPA office thereof.

If you sell more than one grade of any canned fruit or canned vegetable under the same brand name, you must show, on each invoice, the grade of each such item.

[Sec. 8 amended by Am. 6, 8 F.R. 17368, effective 1–8–44 and Am. 8, 9 F.R. 3647, effective 4–8–44]

SEC. 9. *Records.* After July 26, 1943, you must keep for so long as the Emergency Price Control Act of 1942, as amended, remains in effect, all your invoices, freight bills, and other records showing the price you paid for each item and the date you received delivery of each item covered by this regulation. You are required to show all your invoices and records on request of any OPA representative. You are also required to keep available for inspection by any OPA representative the records you used in determining your class. In addition, you are required, on request of any OPA representative, to furnish a written record of your ceiling price for any or all of the items covered by this regulation.

SEC. 10. *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 10 amended by Supplementary Order 72, 8 F.R. 13244, effective 10–1–43]

SEC. 11. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provision of this regulation, or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 12. *Dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order 51,[5] fix dollars-and-cents ceiling prices for wholesalers for some or all of the food items covered by this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices and these orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price for the item under this regulation.

SEC. 13. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your class of wholesalers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. In doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 4, 8 F.R. 15250, effective 11–9–43]

(c) On and after March 13, 1944, "marine provisioners" are made subject to this regulation. If you are a "marine provisioner", you must, by the opening of business on March 13, 1944, have figured your ceiling price in accordance with sections 3 and 4 for items which you have in stock at that time. For items which you do not have in stock at that time, you must figure your ceiling price in accordance with section 5. However, in doing so, you must substitute the date March 13, 1944, for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

[Paragraph (c) added by Am. 7, 9 F.R. 2562, effective 3–13–44]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 14. *Additions to "net cost" for packaging.* If you buy in bulk any item covered by this regulation and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more

[Sec. 14 amended by Am. 1, 8 F.R. 10569, effective 7–27–43 and Am. 6, 8 F.R. 17368, effective 1–8–44]

SEC. 15. *Purchases and sales between wholesalers.* If you purchase from another wholesaler covered by this regulation, an item for which you have not previously been required to establish a ceiling price under this regulation, you must secure a written record of that wholesaler's "net cost". To get your "net cost" for the item, you will add to that wholesaler's "net cost" the transportation charges you paid (not including local trucking or local unloading) to your usual receiving point. You will multiply the resulting figure by the mark-up figure for your class of wholesaler to get your ceiling price. However, your "net cost" for an item under this section may not exceed the net cost for that item had you purchased it from the manufacturer or processor.

[Sec. 15 amended by Am. 10, effective 5–25–44]

SEC. 16. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* If you "manufacture or otherwise process" and sell at

[4] 8 F.R. 13240.

[5] Revised, 9 F.R. 408.

wholesale any item covered by this regulation you will determine your "net cost" or ceiling price for such an item under whichever of the following provisions applies:

(a) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling to retailers, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling to retailers, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(c) If the item is one for which OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up figure under this regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturing regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices set forth therein are changed, you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you "manufacture or otherwise process" directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 17. *How a retailer-owned cooperative wholesaler figures ceiling prices for sales to non-members.* If you are a retailer-owned cooperative wholesaler and you sell to non-members (those retailers who have no share or interest in your ownership) your ceiling prices for your sales to non-members without delivery may be figured as a Class 2 wholesaler. If you sell and deliver to non-members, your ceiling prices for such sales may be figured as a Class 3 wholesaler, in which event you may not add to such ceiling prices the additions for delivery allowed in section 21 of this regulation.

SEC. 18. *How a service wholesaler figures ceiling prices for cash-and-carry sales.* If you are a service wholesaler but you also make cash-and-carry sales, you must use for such sales the mark-up figures of a cash-and-carry wholesaler if, during March 1942,

(a) You had a separate department for such sales, or

(b) You had a price list for such sales different from the price list which you used in making other sales.

SEC. 19. *How a service wholesaler figures ceiling prices for sales to commercial, industrial or institutional users.* If you are a service wholesaler and you make sales to commercial, industrial or institutional users, you may use for such sales the mark-up figures of an institutional wholesaler.

[Sec. 19 amended by Am. 6, 8 F.R. 17368, effective 1-8-44]

SEC. 20. *How an institutional wholesaler figures ceiling prices for sales to retailers.* If you are an institutional wholesaler but you also make sales to retail stores, your ceiling prices for such sales made without delivery must be figured as a Class 2 (cash-and-carry) wholesaler and your ceiling prices for such sales made with delivery must be figured as a Class 3 (service) wholesaler.

SEC. 21. *Addition allowed for deliveries by Class 1 and Class 2 wholesalers.* (a) If you are a retailer-owned cooperative wholesaler, or a cash-and-carry wholesaler, and you have customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add to your ceiling price such set amount or percentage. The resulting figure will be your ceiling price for the item when delivered by you.

(b) If you are a retailer-owned cooperative wholesaler or a cash-and-carry wholesaler and you have not customarily added a set amount or percentage to your sales price for delivering to retailers, you may, in figuring your ceiling price for each item you deliver to retailers, add .01 to your mark-up figure (example: If your mark-up figure is 1.06, you change it to 1.07).

SEC. 22. *Addition allowed for deliveries outside of a base zone*—(a) *Addition allowed to retailer-owned cooperative wholesalers, service wholesalers and institutional wholesalers.* (1) If you are a retailer-owned cooperative wholesaler, a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold goods on a delivered basis in different zones at established price differentials between zones, you may, in figuring your ceiling prices for items delivered by you to such other zones, add to your "base zone" ceiling prices, the same zone differentials which you added in March 1942. The resulting figures will be your ceiling prices for items delivered by you to such other zones. (Your base zone shall be the area surrounding your warehouse in which you customarily made free deliveries.)

(2) If you are a retailer-owned cooperative wholesaler, you may not, in figuring your ceiling prices under this section, include any addition allowed in section 21.

(3) Before using different delivered prices for different zones under this section, you must report, in writing, to the Distribution Branch, Food Price Division, OPA, Washington, D. C., the amount of such differentials and a description of your base zone and delivery zones.

(b) *Additions by certain wholesalers making f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler who, during March, 1942, customarily sold f. o. b. your warehouse for delivery to zones or delivery points outside of your base zones, and

(1) If you added a freight charge when making such sales or included a freight charge in figuring your selling price, you may add to your ceiling price for each item the same charge or the same freight rate, apportioning the charge or freight rate to each item, in which case the resulting figure will be your ceiling price for the item when sold to such other zones or delivery points, or

(2) If your customer paid the freight bill, you may make such sales at your ceiling prices, the freight bill to be paid by the purchaser.

(c) *Additions by certain wholesalers who did not use a zone delivery system or make f. o. b. sales.* If you are a service wholesaler or an institutional wholesaler, who, during March 1942, customarily sold all customers on a delivered basis at the same price regardless of distance from your warehouse, you may, in figuring your ceiling price for an item delivered by you to a customer located at a distance of 125 miles or more from your warehouse, add to your mark-up figure whichever of the following amounts applies:

(1) If your customer is located at a distance of from 125 through 199 miles from your warehouse, you may add .01 to your mark-up figure (example: If your mark-up on mayonnaise in Table A is 1.16, you change it to 1.17).

(2) If your customer is located at a distance of from 200 miles through 299 miles from your warehouse, you may add .02 to your mark-up figure.

(3) If your customer is located at a distance of from 300 miles through 399 miles from your warehouse, you may add .03 to your mark-up figure.

(4) If your customer is located at a distance of 400 miles or more from your warehouse, you may add .04 to your mark-up figure.

(5) If your method of figuring ceiling prices for items delivered to zones outside of a base zone falls within either paragraph (a) or paragraph (b) of this section, you may not use this paragraph (c) in figuring your ceiling prices for items delivered to such other zones.

SEC. 22a. *Special limitations in figuring your net cost in certain cases*—(a) *Pineapple which you import*—(1) *"Net cost".* If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or in Puerto Rico), your "net cost" for any such item may not in any case exceed the maximum price fixed in Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid,

or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item on or after May 25, 1944.

(2) *Notification of changes in ceiling price.* With the first delivery to retailers of any of the above items of packed pineapple or packed pineapple juice after you have figured or refigured your ceiling price for the item under the provisions of this section, you shall supply each retailer who purchases from you, with the written notice set forth below:

(Insert date)

NOTICE TO RETAILERS

Our OPA ceiling price for (describe item by kind, variety, grade, brand, container type and container size) has been changed by the Office of Price Administration. We are authorized to inform you that if you are a retailer pricing this item under Maximum Price Regulation Nos. 422 or 423, you must refigure your ceiling price for this item on the first delivery of it to you, from your customary type of supplier, containing this notification on and after (insert effective date of change in ceiling price). You must refigure your ceiling price following the rules in section 6 of Maximum Price Regulations Nos. 422 or 423, whichever is applicable to you.

For a period of 60 days after figuring such ceiling price and with each shipment after the 60 day period to each person who has not made a purchase within that period, you must place on or attach to each invoice the written notice set forth above.

[Sec. 22a added by Am. 10, effective 5-25-44]

SEC. 23. *Special pricing provision for manufacturers selling some commodities at wholesale.* Any person the larger part of whose business consists of the manufacturing or processing of foods but (a) his entire business in connection with a particular commodity consists of the purchase and resale of such commodity without substantially changing its form and (b) the larger part of his sales of such commodity are made to independent retail stores or to commercial, industrial or institutional users (c) may figure his ceiling price for such sales of that commodity under this regulation.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 24. *How retailer-owned cooperative wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for other wholesalers.* If you are a retailer-owned cooperative wholesaler, you may file an application for permission to use the mark-up figures designated for another class of wholesaler if you can establish:

(a) That you have customarily operated in the same manner as the other class of wholesaler, and

(b) That in 1941 you had an overall gross margin at least as high as the overall gross margin you would realize by using the mark-up figures specified in this regulation for such other class of wholesaler.

(c) Your application must set forth the following:

(1) A statement as to whether your members received dividends or other proceeds from your organization; the basis for determining the amount of such payments; the amount of such payments for the years 1941, 1942, and, if available, so far in 1943;

(2) The amount and conditions of fees, if any, paid by your members in addition to the invoice price of commodities;

(3) Your profit and loss statement for your fiscal years 1941 and 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(4) Your percentage mark-ups over invoice cost for sales during 1941 to your members for each commodity group listed in this regulation, and if sales were made to non-members, the same information with respect to such sales;

(5) Any evidence you may be able to furnish showing the difference between your operations and functions and those of the usual retailer-owned cooperative wholesaler, including a statement of any special service performed by you, any additional compensation received for such special services, and a reasonable basis for distinction or classification, if any, between you and other retailer-owned cooperative wholesalers.

(d) Such application must be filed in duplicate by July 20, 1943, with your nearest District OPA office. You may not use these requested mark-up figures until you have received specific authorization from your proper OPA office.

(e) If you filed an application under section 29 of Revised Maximum Price Regulation No. 237,[6] and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-up figures for the class of wholesaler to which you have been adjusted and you are subject to all of the provisions of this regulation applicable to such other class of wholesaler.

(f) *Applications for adjustment.* Any regional office of the OPA or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this section. Applications for adjustment are governed by Revised Procedural Regulation No. 1,[7]

[NOTE: Procedural Regulation No. 6 (7 F.R. 5087, 5665; 8 F.R. 6173, 6174) provides for the filing of applications for adjustment of maximum prices for commodities or services under Government contracts or subcontracts. Revised Supplementary Order No. 9 (8 F.R. 6175) makes the provisions of Procedural Regulation No. 6 applicable to all price regulations, excepting those which expressly prohibit such applications and certain specific regulations listed in Revised Supplementary Order No. 9.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

SEC. 25. *How service wholesalers may, under certain conditions, apply for permission to use the mark-up figures designated for institutional wholesalers.* If you are a service wholesaler (you must consider each warehouse as a separate wholesaler), you may file an application for permission to use the mark-up figures designated for institutional wholesalers if you can establish:

(a) During your fiscal year 1941 and so far in 1943, you regularly distributed grocery products to at least 12 states; and

(b) The total gross margin on all sales made by you in your fiscal year 1941 was at least 20 percent; and

(c) You offered for sale during 1941 at least 3,500 different items of food.

(d) Your application must set forth the following:

(1) Profit and loss statements for the fiscal years 1941, 1942, and so much of 1943 as is available, and balance sheets as of the end of each such accounting period;

(2) Any evidence you may be able to furnish concerning the difference between your operations and functions and those of the usual service wholesaler, and a reasonable basis for distinction or classification between you and other service wholesalers;

(3) A list of the states to which you regularly distributed grocery products in 1941, 1942, and 1943 and an approximation of the volume of sales made by you in each of the states during 1941, 1942, and 1943; and

(4) The number of food items that you offered for sale in 1941.

(e) Such application must be filed in duplicate by June 24, 1944, with the Distribution Branch, Food Price Division, OPA, Washington, D. C. You may not use these requested mark-up figures until you have received specific authorization from such OPA office. Applications for adjustment are governed by Revised Procedural Regulation No. 1.

[Paragraph (e) amended by Am. 10, effective 5-25-44]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 26. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets

[6] 8 F.R. 6120, 6424, 7884, 7661, 8681, 9019, 9331, 12620.

[7] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

and stock in trade of any wholesaler covered by this regulation and you carry on the business, or continue to deal in the same type of food products in the same establishment, and you render the same service and sell to the same class of purchaser, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you or give you all the records of his transactions before you acquired the establishment which you need to comply with the record provisions of this regulation.

If, after the transfer, you fall into a class of wholesaler different from the former owner's, your ceiling prices shall be those for the class of wholesaler in which you fall. (For example: If you acquire the business, assets, and stock in trade of a service wholesaler and you decide to discontinue making deliveries, your ceiling prices must be figured as a cash-and-carry wholesaler, using as your "net cost" the same "net cost" the former owner used in fixing his ceiling prices.)

SEC. 27. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at wholesale of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 28. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation,[8] as amended, issued by the OPA.

SEC. 29. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 421, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 237, Maximum Price Regulation No. 249,[9] Maximum Price Regulation No. 255,[10] the General Maximum Price Regulation,[11] and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order No. 51,[12] with respect to sales and deliveries for which ceiling prices are established by this regulation.

[8] 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

[9] 7 F.R. 8702, 9898, 10014, 10993; 8 F.R. 2673, 10559.

[10] 8 F.R. 2988, 3946, 5164, 7821.

[11] 9 F.R. 1385.

[12] Revised, 9 F.R. 408.

SEC. 30. *Definitions*—(a) *Delivery.* Delivery of any item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(b) *Usual receiving point.* Your usual receiving point will be the warehouse at which you generally receive the particular item you are pricing under this regulation and from which you generally supply your customers.

(c) *"Manufacture or otherwise process".* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, milling, bottling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations. Packaging as used in section 14 shall not be considered manufacturing or processing under this regulation.

(d) *Independent retail store.* Independent retail store shall mean one that is not one of four or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(e) *"Wagon wholesaler".* A "wagon wholesaler" is a wholesaler who distributes food products to retail stores or to commercial, industrial, or institutional users from an inventory stocked in trucks or other conveyances under the supervision of driver-salesmen who make deliveries at the time and point of sale. A wholesaler is a wagon wholesaler only of the food products he sells in this way.

(f) *"Marine provisioners".* A "marine provisioner" is a person, the larger part of whose food sales are of food products which he purchases for resale and distributes from a warehouse, without materially changing their form, to boat and steamship companies and ship operators for the provisioning of boats and ships, with delivery from shore locations by the use of truck or launch facilities.

[Paragraph (f) amended by Am. 7, 9 F.R. 2562, effective 3-13-44.]

(g) *Flour jobber.* "Flour jobber" shall mean a "primary distributor" as defined in Maximum Price Regulation No. 296,[13] and also a person the larger part of whose business is the purchase and resale of flour made from wheat, semolina and farina without additional processing and in the original containers, to bakers and commercial, institutional or Governmental users. For sales to retail stores, "flour jobbers" other than "primary distributors" must figure their ceiling prices for flour under this regulation.

[Paragraph (g) amended by Am. 6, 8 F.R. 17368, effective 1-8-44.]

[13] 8 F.R. 16282, 17375; 9 F.R. 576.

SEC. 31. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and the District of Columbia.

ARTICLE V—TABLE AND COMMODITY DEFINITIONS

SEC. 32. *Table of mark-up figures—(Table A.)*—(a) *Instructions.* Table A (printed below) lists the commodities and the mark-up figures for the four classes of wholesalers covered by this regulation. For a detailed list of the items included in each category of commodities, see "Commodity definitions", printed immediately after Table A. This regulation must not be used to determine ceiling prices for the commodities listed in paragraph (c) of this section.

The commodities covered by this regulation are listed in the column at the extreme left of Table A and the four classes of wholesalers are listed across the top of Table A. To find your proper mark-up figure for any item, first determine the class of wholesaler to which you belong; then find the commodity listed at the left of Table A which includes the item you are pricing. Directly opposite, in the column for your class of wholesaler, you will find the proper mark-up figure for the item. This is the figure by which you should multiply your "net cost" in order to determine your ceiling price. Drop any fraction of a cent which is less than ½ cent; take the next higher cent if the fraction is ½ cent, or more.

For example, you are a Service (Class 3) Wholesaler, and you want to figure your ceiling price for a case of 9-oz. packages of X Brand Spaghetti which you had in stock at the opening of business on August 5, 1943. The amount you paid your customary type of supplier for your last purchase of a customary quantity of this item prior to August 5, 1943, was $1.75 per case after deducting all discounts except the discount for prompt payment and swell and label allowances. In addition, you paid incoming freight, excluding local trucking charges, amounting to 9 cents per case. Your net cost is therefore $1.84 per case. Now refer to Table A. Check the list of commodities and you will find "Macaroni and spaghetti products." This category includes the item you are pricing. Directly opposite "Macaroni and spaghetti products", in the column headed "Class 3 Wholesaler", you will find the figure 1.15. Multiply your net cost by this mark-up figure; the resulting amount is $2.116. By rounding up the fraction of a cent, which is more than ½ cent, you will get your ceiling price of $2.12 per case.

TABLE A

MARK-UP FIGURES TO BE USED BY WHOLESALERS IN FIGURING CEILING PRICES FOR ITEMS COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Figures to be multiplied by net cost			
	Class 1	Class 2	Class 3	Class 4
	Retailer-owned cooperatives	Cash and carry	Service and delivery	Institutional
1. Baby foods	1.06	1.085	1.135	1.185
2. Cereals, breakfast	1.035	1.06	1.08	1.13
3. Cocoa, chocolate and cereal drink preparations	1.07	1.085	1.125	1.175
4. Coffee	1.055	1.065	1.09	1.14
5. Cookies, crackers, toast and crumbs	1.11	1.15	1.20	1.25
6. Corn meal and hominy	1.055	1.085	1.12	1.165
7. Dog and cat foods	1.06	1.09	1.105	1.15
8. Fish, processed	1.095	1.13	1.19	1.24
9. Flour and flour mixes	1.07	1.075	1.10	1.15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	1.105	1.155	1.18	1.23
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	1.06	1.085	1.135	1.185
12. Fruits, dried and dehydrated	1.055	1.125	1.165	1.215
13. Frozen foods	1.24	1.24	1.24	1.29
14. Gelatin and pudding mixtures	1.06	1.07	1.105	1.155
15. Jams, jellies, preserves, honey and peanut butter	1.115	1.14	1.19	1.24
16. Lard, pure	1.035	1.035	1.075	1.125
17. Macaroni and spaghetti products	1.09	1.115	1.15	1.20
18. Mayonnaise and salad dressing	1.08	1.12	1.16	1.21
19. Meat, canned	1.055	1.08	1.10	1.15
20. Milk, canned	1.035	1.035	1.045	1.095
21. Oils, cooking and salad	1.07	1.075	1.10	1.15
22. Oleomargarine	1.045	1.085	1.14	1.19
23. Pickles and relishes	1.115	1.14	1.19	1.24
24. Rice	1.075	1.095	1.13	1.18
25. Shortening, hydrogenated	1.045	1.045	1.06	1.06
26. Shortening, other	1.045	1.045	1.06	1.06
27. Soups, canned	1.045	1.07	1.09	1.14
28. Soups, dehydrated	1.06	1.105	1.13	1.18
29. Spices	1.15	1.27	1.28	1.33
30. Sugar	1.02	1.02	1.04	1.04
31. Syrups	1.07	1.10	1.115	1.165
32. Tea	1.06	1.095	1.115	1.165
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	1.07	1.14	1.20	1.25
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	1.06	1.085	1.135	1.185
35. Vegetables, dried and dehydrated	1.08	1.09	1.12	1.17
36. Vinegar	1.12	1.16	1.23	1.28
37. Miscellaneous foods	1.11	1.15	1.20	1.25

[Item 3 amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Item 13 amended by Am. 4, 8 F.R. 15250, effective 11-24-43; Item 6 amended by Am. 9, 9 F.R. 4016, effective 5-1-44.]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both uncooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 10, effective 5-25-44]

(3) "Cocoa, chocolate and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup, chocolate bits, cooking chocolate, and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43 and Am. 4, 8 F.R. 15250, effective 11-24-43.]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zweiback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture.

[Subparagraph (5) amended by Am. 6, 8 F.R. 17368, effective 1-8-44.]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned."

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 4, 8 F.R. 15250, effective 11-24-43.]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 10, effective 5-25-44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 10, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaced fruits and peels, and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (12) amended by Am. 5, 8 F.R. 15607, effective 11-20-43, and Am. 8, 9 F.R. 3647, effective 4-8-44.]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood

are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 4, 8 F.R. 15250, effective 11–24–43 and corrected, 8 F.R. 17367, effective 12–23–43.]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 8, 9 F.R. 3647, effective 4–8–44.]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) as amended by Am. 4, 8 F.R. 15250, effective 11–24–43.]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 4, 8 F.R. 15250, effective 11–24–43 and Am. 8, 9 F.R. 3647, effective 4–8–44.]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice, and wild rice.

[Subparagraph (24) amended by Am. 6, 8 F.R. 17368, effective 1–8–44.]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10569, effective 7–27–43; Am. 4, 8 F.R. 15250, effective 11–24–43 and corrected, 8 F.R. 17367, effective 12–23–43.]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

[Subparagraph (31) amended by Am. 6, 8 F.R. 17368, effective 1–8–44.]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream, and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraphs (33) and (34) amended by Am. 5, 8 F.R. 15607, effective 11–20–43.]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

[Above paragraph amended by Am. 8, 9 F.R. 3647, effective 4–8–44.]

Baking powder.
Baking soda.
Barley (pearl).
Caviar.
Cocoanut, shredded, desiccated, or moist.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products.
Egg nog (non-alcoholic), bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages.
Glaced or candied fruits and peels.
Goat milk, canned.
Ice cream sundae syrups (except chocolate).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of a capacity of one gallon or less).
Pie filling.
Popcorn (whether or not popped).
Potatoes, Julienne, packed in hermetically sealed containers.
Potatoes, shoestring, packed in hermetically sealed containers.
Pudding, date.
Pudding, fig.
Pudding, plum.
Spice oils.
Table salt packaged in cartons, bags or packets containing 100 pounds or less, Kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).
Tom and Jerry batter, bottled.
Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569, effective 7–27–43; Am. 4, 8 F.R. 15250, effective 11–24–43; Am. 6, 8 F.R. 17368, effective 1–8–44; Am. 8, 9 F.R. 3647, effective 4–8–44; and Am. 10, effective 5–25–44.]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked goods, fresh (except "cookies, crackers, toast and crumbs").
Beer.
Bird seed and gravel.
Bread.
Butter (except peanut butter, fruit butters, and smooth or crunch type nut butters).
Buttermilk, fresh.
Candied ginger.
Candy.

[2 items deleted by Am. 10, effective 5-25-44]

Cheese.
Comb honey.
Corn starch, edible or gloss (packaged in containers of more than ten pounds).
Corn sugar.
Cream.
Dry baby cereals.
Eggs.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables.
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35% or more malted milk.
Maple sugar.
Meat and fish (except "fish, processed" and "meat, canned").
Milk, fresh.
Mineral oil.
Nuts.
Olive oil, pure (packaged in containers of a capacity of more than one gallon).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods.)
Potato chips.
Poultry.
Soft drinks.
Sorghum syrup.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Wild rice.
Wine.

[Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7-27-43; Am. 2, 8 F.R. 10987, effective 8-5-43; Am. 3, 8 F.R. 13293, effective 10-4-43; Am. 4, 8 F.R. 15250, effective 11-24-43; Am. 6, 8 F.R. 17368, effective 1-8-44, Am. 8, 9 F.R. 3647, effective 4-8-44; and Am. 10, effective 5-25-44.]

Effective date. This regulation shall become effective on the 26th day of July, 1943. [MPR 421 originally issued July 8, 1943.]

[Effective dates of amendments are shown in notes following parts affected.]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 24th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7464; Filed, May 24, 1944; 4:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 422[1] Incl. Amdts. 1-17]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

This compilation of Maximum Price Regulation 422 includes Amendment 17, effective May 25, 1944. The text added or amended by Amendment 17 is underscored. Deletions are indicated by notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 422 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.361 *Ceiling prices of certain foods sold at retail in group 3 and group 4 stores.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 422, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.361 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 422—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

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[1] 8 F.R. 9395.

[2] Statements of considerations are also issued simultaneously with the issuance of amendments. Copies may be obtained from the Office of Price Administration.

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ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all retail stores, other than "independent" retail stores, doing an annual business of less than $250,000, and for all retail stores, whether "independent" or not, doing an annual business of more than $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA) except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[3] All other retail stores (Group 1 and Group 2 stores) selling these food products are covered by Maximum Price Regulation No. 423.[4]

[3] Revised: 9 F.R. 408.

[4] 8 F.R. 9407, 10570, 10988, 12443, 12611, 13294, 14854, 15587, 15608, 16031, 17371.

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 3 or 4 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. The provisions of this regulation apply to "retail route sellers" only with respect to fresh fruits and vegetables. However, this regulation does not apply to "health food stores", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44.]

(b) *What are Group 3 and 4 stores.* For the purpose of this regulation, Group 3 and 4 stores are defined as follows:

(1) *Group 3.* Your store is in Group 3 if its "annual gross sales" are less than $250,000, and if it is not an "independent" store. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 4.* Your store is in Group 4 if its "annual gross sales" are $250,000 or more.

(If you are not sure what group your store is in, use the directions in Section 30 for figuring its "annual gross sales". See section 36 for definitions of Group 1 and 2 stores.)

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA-3" or "OPA-4", whichever it is, or on a sign which the OPA may furnish to you, except that if under any order issued under General Order No. 51 [5] you are allowed to post the sign of another group, you may do so. The sign must be posted so that it can be clearly seen by your customers. (The word "group" as used in this regulation means the same thing as the word "class" meant in Revised Maximum Price Regulations No. 238 [6] and No. 268.[7])

(d) *When you may choose to treat your store as a group 4 store.* If your store is a Group 3 store, you may choose to treat it as a Group 4 store and post a sign in your store as a member of that group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a Group 4 store;

(2) Use the Group 4 ceiling prices fixed in Maximum Price Regulation No. 390 [8] for all the household soaps and cleansers it covers.

(3) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for Group (or Class) 4 stores in your community; and

(4) Notify your nearest OPA district office of these facts.

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you had to pay for the most recent delivery of the item to you before August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "dry groceries" listed in Table A which you have in stock at that time. (See section 24 for an exception to this rule if you purchase an item from wholesalers.) Between July 26, 1943, and August 5, 1943, you may put into effect the new ceiling price on any item as soon as you figure it; you must put the new ceiling prices into effect on all items not later than August 5, 1943. If you do not put the new price for an item into effect before August 5, 1943, you must continue to use your existing ceiling for that item until August 5. If you receive delivery of any item between July 26 and August 5 for which you have no ceiling price, you must, before selling it, figure your ceiling price according to the rules of this regulation.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *"Net cost."* To figure your ceiling price, first find the "net cost" of the item based on its most recent delivery to you before August 5, 1943. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment and swell and label allowances, plus all transportation charges you paid except local trucking and local unloading. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.), to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can or other unit you sell. You must get the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(3) For items you "manufacture or otherwise process" use the special rules in section 25.

(b) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of store. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(c) *Ceiling price.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

[Paragraph (c) amended by Am. 17, effective 5-25-44]

(d) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for "new items" of "dry groceries".* A "new item" of "dry groceries" is any item of "dry groceries" which you did not have in stock at the opening of business on August 5, 1943. You must figure and post your ceiling price for a new item before selling it, following the rules in section 4, but basing your "net cost" on the first delivery of the item to you on or after August 5, 1943. In pricing new items it is a violation to use the net cost of a first purchase made in a non-customary manner (that is, from a non-customary supplier or in a non-customary quantity) when you know that you will be making future purchases in a customary manner.

If your first purchase is of this type you must find out and use in figuring your ceiling price, what the net cost would be of a purchase from a type of supplier usually used for a similar item and of a quantity in which a similar item is usually purchased.

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

[5] Revised: 9 F.R. 408.
[6] Revoked: 8 F.R. 12468.
[7] 7 F.R. 9184; 8 F.R. 322, 1747, 2483, 2664, 3527, 3732, 4524, 4929, 5907, 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568.
[8] F.R. 6428, 8947, 9380, 13499.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 10, 8 F.R. 17370, effective as to paragraph (a), 1-8-44; as to paragraph (b), 12-29-43]

Perishables

SEC. 7. *How and when you figure your ceiling prices for "perishables"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that, you must treat the item as you would any other item of perishables covered under this regulation.

Stores under one ownership pricing from a central point may refigure ceiling prices for items so priced based on the net cost of deliveries received during the seven days preceding Tuesday of each week. These prices must not be put into effect until the following Thursday.

SEC. 8. *Directions for applying the rule for "perishables"*—(a) *Net cost.* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading.

[Paragraph (a) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(1) Your net cost must be based on purchases from a customary type of supplier delivered to your usual receiving point by a customary means of delivery. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half-cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

(c) *Ceiling price*—(1) *Percentage mark-ups.* If the item has been given a percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Dollars-and-cents mark-ups.* If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C to get your ceiling price. You will get your ceiling price for the item by adding the named dollars-and-cents mark-up in Table B to your "net cost". If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

(3) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

[Paragraphs (b) and (c) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

SEC. 9. *Price which you must post.* At all times, you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 17, effective 5-25-44]

SEC. 10. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You may not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the net cost of a purchase from another retailer to figure a ceiling price.

SEC. 11. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, and each food item sold and the price you charged for it.

SEC. 12. *Records.* After July 26, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

Stores under one ownership pricing from a central point must also keep available at all times in each store a list showing the current selling price, as set at the central point, of each item so priced. These price lists must be kept in each store for one year, or, in the alternative, must be kept in each store for 30 days and thereafter for a period of eleven months in the warehouse from which the food items are delivered to the store. On request, such price lists must be shown to any OPA representative.

[Above paragraph amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

SEC. 13. *Licensing.* The provisions of Licensing Order No. 1,[9] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 13 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 14. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher

[9] 8 F.R. 13240.

than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that Act.

SEC. 15. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order No. 51,[10] fix in your region or community dollars-and-cents ceiling prices for some or all of the "dry groceries" or "perishables" under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and those orders may provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 16. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must, by the opening of business on the effective date of such amendment refigure your ceiling prices for the items affected by such amendment. However, in doing so, you must use as your "net cost" the same "net cost" you used in figuring the ceiling prices you had on the effective date of the amendment.

If you have customarily made most of your purchases of any item affected from a wholesaler who is pricing under Maximum Price Regulation 421,[11] and if you still customarily purchase such item from such a wholesaler, you must refigure your ceiling price in accordance with section 4, basing your "net cost" on the first delivery to you of such item after the effective date of the amendment.

[Paragraphs (a) and (b) added by Am. 6, 8 F.R. 15251, effective 11-9-43]

(c) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your "annual gross sales" instead of the year 1942. If you find that as a result of that change your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, June 15, 1944, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 423 if you become a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 1 or Group 2 store, it is on and after June 15, 1944, subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (c) added by Am. 17, effective 5-25-44]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 17. *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	*Addition allowed*
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
over–$5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 18. *Additions for packaging.* (a) If you buy in bulk any item covered by this regulation (except shell eggs) and then package and sell it in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or Kraft bags or similar type bags, on which the name and weight of the commodity and your name are stamped or printed and which are packed and sealed at a place and time other than the point and time of sale, you may add to your "net cost" whichever of the following allowances applies:

(1) 1½ cents for every such bag or container with a net weight of less than 2 pounds.

(2) 2 cents for every such bag or container with a net weight of 2 pounds or more, but less than 5 pounds.

(3) ½ cent per pound for every such bag or container with a net weight of 5 pounds or more.

(b) If you buy shell eggs in bulk and then package and sell them in consumer cartons, you may add to your ceiling price whichever of the following allowances applies:

(1) 1 cent for each carton of a half-dozen eggs.

(2) 2 cents for each carton of a dozen eggs.

[Sec. 18 amended by Am. 1, 8 F.R. 10569, effective 7-27-43 and Am. 10, 8 F.R. 17370, effective 1-8-44]

SEC. 19. *Special limitations in figuring your "net cost" in certain cases*—(a) If you buy any of the following items of cheese f. o. b. manufacturer's plant, you may not, in figuring "net cost", include any freight costs above the lowest published carlot freight per pound of gross weight from the basing point for the item to your usual receiving point, multiplied by 1.15:

Item	*Basing point*
Cheddar cheese	Plymouth, Wisconsin
Brick cheese	Plymouth, Wisconsin
Munster cheese	Plymouth, Wisconsin
Limburger cheese	Monroe, Wisconsin
Swiss cheese	Monroe, Wisconsin

[Paragraph (a) amended by Am. 17, effective 5-25-44]

(b) *Butter: When purchased f. o. b. seller's shipping point.* If you buy butter f. o. b. seller's shipping point, your "net cost" may not in any case exceed the ceiling price established under Maximum Price Regulation No. 289.[12] (Dairy Products) for sales of that particular grade (or score) and form of butter delivered to your usual receiving point.

(c) *Fresh fruits and vegetables.* Whenever there is an order in effect in your area or community fixing ceiling prices for sales of fresh fruits and vegetables by wholesalers, your net cost may not in any case exceed the highest ceiling price fixed for wholesalers in your area or community.

SEC. 20. *How you figure your "net cost" in certain cases*—(a) *Fresh bananas bought from importers f. o. b. port of entry, or imported directly by retailers.* If you import bananas directly, or if you buy fresh bananas directly from an importer f. o. b. port of entry, figure your "net cost" by the following procedure.

First, increase the importer's maximum price per hundredweight f. o. b. port of entry (as fixed by Maximum Price Regulation No. 285[13]) by either $1.25 or by 29 percent, whichever is greater. To the resulting figure add the cost of getting the bananas to your usual receiving point, which may include costs

[10] Revised: 9 F.R. 408.

[11] 8 F.R. 9388, 10569, 10987, 13293, 15250, 15607, 17368, 17367.

[12] Revised: 9 F.R. 5140.

[13] 8 F.R. 3050, 10659, 16629; 9 F.R. 219, 1121.

you have to pay for freight, icing, heating and messenger service, but which may not include costs for local trucking or local unloading (figure your freight costs at the lowest available common carrier rates, and if you import directly, these freight costs are to be figured from the United States port of entry). Divide this total by 100 and you will get your net cost per "selling unit" (1 pound). This is the net cost you will use in figuring your ceiling prices and to which you add the mark-up in Table B for your group of stores.

[Paragraph (a) amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

(b) *Fresh bananas bought at auction.* If you buy bananas at an auction market in New York, Philadelphia, or Baltimore, figure your cost the same way as in paragraph (a) of this section except that you can include freight costs only from the port of entry to the auction market. Costs for ferry service may not be included.

(c) *Butter printed by you.* If you package and print butter, you shall figure a ceiling price per pound for each resulting type of print and package and score (or grade) of butter. In figuring your ceiling price for butter of any particular score (or grade), in a print or package you shall use as your "net cost" the lowest ceiling price established under Maximum Price Regulation No. 289 [13a] which would apply to sales of that particular score (or grade) of butter in such print or package directly by a creamery to a primary distributor delivered to the city, town, village or hamlet in which your usual receiving point is located, plus ½¢ per pound. When you perform the printing and packaging functions in a butter print division apart from your warehouse or store and then deliver the printed or packaged butter to your warehouse, the warehouse shall be considered your usual receiving point, and when it is delivered directly from the butter print division to your store, the store shall be considered your usual receiving point.

(d) *Eggs candled and graded by you.* If you purchase eggs in other than retail grades and sizes (or weight classes) and then candle and grade them into the retail grades and sizes (or weight classes) set forth in Table B, you shall calculate a maximum price weekly for each resulting grade and size (or weight class) using as your "net cost" the lowest ceiling price fixed by Maximum Price Regulation No. 333 [14] which would apply to sales to a retailer of eggs of that particular grade and size (or weight class) delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village or hamlet as your usual receiving point for the eggs: *Provided, however,* That before eggs which you grade as extra large AA may be sold as such, they must be so certified by the United States Department of Agriculture.

(e) *Eggs sold by you as "ungraded eggs".* If you purchase eggs in other than retail grades and sizes (or weight classes) and do not candle and grade them into the retail grades and sizes (or weight classes) set forth in Table B, you must sell them as "ungraded eggs." You shall calculate a ceiling price weekly for such eggs using as your "net cost" the lowest ceiling price established by Maximum Price Regulation No. 333 which would apply to sales to a retailer of large Grade C eggs delivered on the Monday of the week in which calculations are made to a receiving point located in the same city, town, village, or hamlet as your usual receiving point for the eggs.

[Paragraph (e) added by Am. 1, 8 F.R. 10569, effective 7-27-43]

(f) *White potatoes purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked white potatoes at a country shipping point (as defined in Revised Maximum Price Regulation 271 [15]) and you grade and sack such potatoes, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 100 pounds fixed by Revised Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differential, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 100, and multiplied by 5.

(g) *Dry onions purchased by you ungraded and unsacked.* If you purchase ungraded and unsacked dry onions at a country shipping point (as defined in Revised Maximum Price Regulation 271) and you grade and sack such onions, you shall figure a separate ceiling price weekly for each grade and variety, using as your "net cost" per "selling unit" the lowest ceiling price per 50 pounds fixed by Maximum Price Regulation 271 for sales by a country shipper f. o. b. country shipping point of such grade and variety, adjusted by the applicable packaging differentials, during the month in which you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point, divided by 50 and multiplied by 3.

[Paragraphs (f) and (g) added by Am. 4, 8 F.R. 12610, effective 9-11-43]

(h) *Citrus fruits purchased by you ungraded, unsized and unpacked.* If you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits, you shall figure on such purchases a separate ceiling price weekly for each variety, and size, and fruit from different areas, using as the basis of your "net cost" for each variety, and size, and fruit from different areas, the lowest ceiling price fixed in Maximum Price Regulation No. 292 [16] for sales by a packer of such variety, size, and fruit in the type of container in which each item is packed, in effect at the time when you receive delivery at your usual receiving point, plus all transportation charges you paid (except local trucking and local unloading) to your usual receiving point. To get your ceiling price, reduce the resulting figure to the "net cost" of the "selling unit", and apply the mark-up for your group of retailer as set forth in section 8.

[Paragraph (h) added by Am. 6, 8 F.R. 15251, effective 11-9-43]

(i) *Poultry bought live or dressed and sold drawn.* If you buy poultry live or dressed, and you draw or eviscerate said poultry, you shall figure your ceiling price for such drawn or eviscerated poultry as though you had bought it drawn, using as your "net cost" the lowest ceiling price fixed by Revised Maximum Price Regulation 269 [17] which would apply to sales to you by your customary type of supplier delivered to your usual receiving point of a similar item of drawn poultry during the week in which you are figuring your ceiling price for the item. To that "net cost" you shall apply the mark-up applicable to that kind of poultry bought drawn and sold drawn. The resulting figure will be your ceiling price per pound of drawn weight.

[Paragraph (i) added by Am. 10, 8 F.R. 17370, effective 1-8-44]

(j) *Poultry bought live, dressed or drawn and sold in parts*—(1) *"Cut-up poultry".* If you buy poultry live, dressed or drawn, and you sell such poultry in parts which are "cut-up poultry" as defined in Revised Maximum Price Regulation No. 269, you shall figure your ceiling price for each item of such "cut-up poultry" as though you had bought it "cut-up", using as your "net cost" per pound the lowest ceiling price per pound fixed by Revised Maximum Price Regulation No. 269, which would apply to sales to you by your customary type of supplier delivered to your usual receiving point, of such "cut-up poultry" items during the week in which you are figuring your ceiling price for the item. To that "net cost", you shall apply the mark-up applicable to that kind of poultry bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for that item of "cut-up poultry".

(2) *Poultry other than "cut-up poultry".* If you buy poultry live, dressed or drawn and you sell such poultry in parts (other than split, or in quarters) which are not "cut-up poultry" as defined in Revised Maximum Price Regulation No. 269, you shall figure a separate ceiling price for each of such parts. You must use as your "net cost" per pound for each of such parts the lowest ceiling price per pound fixed by Revised Maximum Price Regulation No. 269 which would apply to sales to you by your customary type of supplier delivered to your

[13a] Revised: 9 F.R. 5140.

[14] 8 F.R. 2488, 3002, 3070, 3735, 5342, 5839, 6182, 6476, 6626, 7457, 9027, 9300, 9879, 9300, 11381, 12095, 12478, 12632, 14093, 14400, 14855, 15459, 16199, 16999, 17485; 9 F.R. 1835.

[15] 8 F.R. 15587, 15663; 9 F.R. 1532.

[16] 8 F.R. 135, 543, 2869, 3367, 6134, 10432, 13974, 15663, 16282, 17425.

[17] 8 F.R. 13813, 14016, 15258, 14854, 15190, 16793; 9 F.R. 95, 612, 902, 96, 1036, 1941.

usual receiving point, of such part, during the week in which you are figuring your ceiling price for the item. To that "net cost", you shall apply the mark-up applicable to that kind of poultry bought cut-up and sold cut-up. The resulting figure will be your ceiling price per pound for such parts.

[Paragraph (j) added by Am. 12, 9 F.R. 3510, effective 4-6-44.]

(k) *Coconuts imported by you.* If you import coconuts, your "net cost" per pound may not exceed the ceiling price per pound ex dock any United States port of entry duty paid, as fixed by Maximum Price Regulation No. 505 [18] for sales by importers, plus transportation charges paid by you (except local trucking or local unloading) from the United States port of entry to your usual receiving point.

(l) *Pineapple which you import.* If you import any item of packed pineapple, or packed pineapple juice, (other than pineapple and pineapple juice packed in the Territory of Hawaii or Puerto Rico), your "net cost" for any such item may not in any case exceed the maximum price fixed in Revised Supplementary Regulation No. 14 to the General Maximum Price Regulation for the item ex dock, any United States port of entry, duty paid, or ex railroad car or other type of carrier, any point of entry on the United States-Mexico border, duty paid, plus any allowable charges actually incurred in putting the items in the warehouse at port or point of entry, plus actual transportation charges from the port or point of entry to your usual receiving point.

If, prior to May 25, 1944, you had figured a ceiling price under this regulation for any of the above items of packed pineapple or packed pineapple juice which you imported, you must refigure your ceiling price for that item in accordance with the provisions of sections 3 and 4, basing your "net cost", however, on the first delivery to you of the item on or after May 25, 1944.

[Paragraph (l) added by Am. 17, effective 5-25-44]

SEC. 21. *Additional charges allowed for slaughtering and plucking poultry.* You may add to your ceiling prices for poultry established by this regulation whichever of the following amounts apply.

(a) 10¢ for a bird killed in accordance with the Hebraic dietary laws, if such killing was done by your employee, or an agent or contractor engaged and paid by you.

(b) 10¢ for plucking a bird which you buy live and sell live, or buy kosher-killed and sell kosher-killed, if such plucking is done by your employee or an agent or contractor engaged and paid by you.

SEC. 22. *Additions for delivery from your warehouse to your store.* If your store is located at a distance of 125 miles or more from your warehouse which is your usual receiving point, you may, in determining your ceiling price for an item delivered from the warehouse to your store, use whichever of the following provisions applies:

(a) *In the case of percentage mark-ups.* Where a percentage mark-up is given for the item:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 to your mark-up figure. (Example: If your mark-up figure on sugar in Table A is 7 percent, you change it to 8 percent.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 to your mark-up figure.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 to your mark-up figure.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 to your mark-up figure.

(b) *In the case of dollars-and-cents mark-ups.* Where a dollars-and-cents mark-up is given for the item:

(1) If the store is located at a distance of from 125 through 199 miles from such warehouse, you may add 1 percent to the cost of the delivery or deliveries on which your net cost per "selling unit" is based. You must then figure the "net cost" on the basis of the "selling unit", in accordance with the rules in section 8. (Example: If you are figuring your ceiling price for green peas and your largest delivery during the preceding week was of 5 bushel baskets at $3.00 per basket, you may add 1 percent, that is, $0.15, to the $15.00 cost, and then reduce the resulting figure to the "net cost" of one pound, the "selling unit" for green peas.)

(2) If the store is located at a distance of from 200 through 299 miles from such warehouse, you may add 2 percent and figure your ceiling price in accordance with (1) above.

(3) If the store is located at a distance of from 300 through 399 miles from such warehouse, you may add 3 percent and figure your ceiling price in accordance with (1) above.

(4) If the store is located at a distance of 400 miles or more from such warehouse, you may add 4 percent and figure your ceiling price in accordance with (1) above.

[Sec. 22 amended by Am. 15, 9 F.R. 4214, effective 4-27-44]

SEC. 23. *How you may figure your ceiling prices for "perishables" on a weighted average basis.* Section 7 of this regulation requires you to use in figuring your ceiling price for "perishables" the net cost of the largest delivery to you in the seven day period before the Thursday (or Tuesday for stores which price from a central point) for which you are figuring your price. If you desire to figure your ceiling prices for all items of "perishables" by using for each item, instead of the net cost of the largest delivery during this seven day period, the weighted average net cost of all deliveries of it to you during this seven day period, you may do so. However, you must apply in writing to the nearest district OPA office for permission. After receiving such permission, you may not use the net cost of the largest delivery during the seven day period to figure your ceiling price for any of the "perishables" listed in Table B. However, you shall continue to use all other provisions of section 8 in figuring your ceiling prices for these items.

SEC. 24. *How you figure your ceiling prices for "dry groceries" you purchase from wholesalers.* If you have customarily made most of your purchases of any item of "dry groceries" listed in Table A from a wholesaler who is now pricing under Maximum Price Regulation No. 421, you may, if you still customarily purchase that item from such a wholesaler, figure your ceiling price for that item on the basis of the "net cost" of your first purchase after August 5, 1943, instead of your most recent purchase before August 5, 1943, as required by section 4. Such ceiling price shall not be changed except as required by section 6. Until you make such a purchase you shall keep your present ceiling price.

SEC. 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process".* If you "manufacture or otherwise process" and sell at retail any item covered by this regulation, you will figure you "net cost" or ceiling price for such item under whichever of the following provisions applies:

(a) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers, but the regulation makes no provision for manufacturers selling at retail, the lowest ceiling price under that regulation for sales delivered to your usual receiving point shall be your "net cost".

(b) If the item is one for which the OPA has issued, or later issues, a regulation naming dollars-and-cents ceiling prices for sales by manufacturers and makes a provision for manufacturers selling at retail, you shall figure your ceiling price for such item as a manufacturer under that regulation. You will not attempt to figure a "net cost" and apply a mark-up under this regulation.

(c) If the item is one for which the OPA has not issued, or does not later issue, a regulation establishing dollars-and-cents ceiling prices for sales by manufacturers, you shall figure your ceiling price for such item as a manufacturer under the appropriate regulation covering the sales of such item by manufacturers. You will not attempt to figure a "net cost" and apply a mark-up under his regulation.

(d) If, after you have established a ceiling price for an item which you "manufacture or otherwise process", the manufacturer's regulation which you used in figuring your ceiling price under paragraph (a), (b), or (c) of this section is amended so that either (1) the manufacturer's regulation is no longer the type described in the applicable paragraph of this section or (2) the type of regulation is not changed but the prices

[18] 9 F.R. 524, 1940.

set forth therein are changed; you must, within 5 days after the effective date of such amendment, refigure your ceiling price for the item under the applicable paragraph of this section based on the manufacturer's regulation as amended.

(e) For the purpose of this regulation you shall be considered a manufacturer of any item which you manufacture or otherwise process directly, or which is manufactured for you by a person to whom you supply the raw material.

SEC. 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* When the United States government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91, your ceiling price for such sales shall be the total of the following amounts:

(a) The amount you paid your supplier for the poultry items being priced (less all discounts except the discount for prompt payment), which may not exceed your supplier's ceiling price.

(b) Transportation charges actually paid by you (except local trucking or local unloading) which may not exceed the charges for deliveries of such poultry items purchased from a customary type of supplier delivered to your usual receiving point by a customary means of delivery.

(c) Charges actually paid by you or incurred by you for storage of such poultry items in a public warehouse.

(d) One and one-half cents per pound where transfers are requested by the purchaser in quantities of less than 10,000 pounds, or one cent per pound where transfers are requested by the purchaser in lots of 10,000 pounds or more (whether or not transferred by you at one time in such quantities). Sales or transfers from separate warehouses shall be considered as separate transfers.

[Sec. 25a added by Am. 11, 9 F.R. 95, effective 12-31-43]

SEC. 26. *Mail order sales.* When you make mail order sales, you may add to your ceiling prices determined under this regulation your actual express or mailing expense to the buyer's address.

ARTICLE III—ADJUSTMENT PROVISIONS

SEC. 27. *How you may, under certain conditions, apply to use Group 1 mark-ups.* (a) If your store meets the gross margin requirements specified in this section and does business in the manner outlined below, you may apply under paragraph (b) of this section to use the mark-ups provided in Maximum Price Regulation No. 423 for Group 1 stores:

(1) Most of your sales in your grocery department are made by sales clerks who assist customers in selecting, collecting, and wrapping merchandise;

(2) Your store generally offers to all its customers the services of taking orders by telephone, carrying monthly charge accounts, and providing delivery service;

(3) The general level of your prices for grocery products was during September 1942 at least as high as the level maintained by Group 1 stores, and was generally higher than that maintained by Group 3 and 4 stores, for such products in your community; and

(4) The total gross margin in your fiscal year 1941 was more than 25% on all sales in your food departments and also, if you are not an "independent" store, more than 25% on the combined sales of the food departments in all the stores in your organization. Do not count a restaurant as a food department. If not in business in 1941, use your most recent fiscal year (or fiscal period, if not in business a full fiscal year).

(b) Your application must be filed in duplicate on or before June 24, 1944, with your nearest District OPA office on a form which you may get from that office. You may combine on one form the applications of more than one of your stores. If your application is finally approved, OPA will tell you when to begin using the Group 1 mark-ups, and from such time on you shall post a sign in your store designating it as a "Group 1" store, and it shall be considered a Group 1 store for all orders issued under Revised General Order No. 51[19] and for the purpose of all "special pricing provisions" contained in Maximum Price Regulation No. 423.

(c) If you filed an application under section 26 of Revised Maximum Price Regulation No. 238 or section 25 of Revised Maximum Price Regulation No. 268 and such application has been denied, you are not eligible for adjustment under this section. If your application has been allowed, you may use the mark-ups for a Group 1 store in Tables A and B of Maximum Price Regulation No. 423 and may consider your store a Group 1 store for the purpose of all "special pricing provisions" contained in that regulation and you must post a Group 1 sign, but you are subject to all other provisions of this regulation.

[Paragraphs (b) and (c) amended by Am. 17, effective 5-25-44]

SEC. 28. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest district OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

SEC. 29. *Applications for adjustment.* Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for adjustment under the provisions of this regulation, and may deny any application filed under section 27 or revoke any order granting adjustment under that section if denial of such application would not cause the applicant a substantial financial hardship. Applications for adjustment are governed by Revised Procedural Regulation No. 1.[20]

[Sec. 29 as amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

SEC. 29a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 39 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269, whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

[Sec. 29a added by Am. 1, 8 F.R. 10569, effective 7-27-43]

ARTICLE IV—MISCELLANEOUS PROVISIONS

SEC. 30. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1943. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. Return to get your gross sales for all or You can use your Federal Income Tax part of the calendar year 1943 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1943, you must divide your total sales from the time you began operation up to May 25, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

[Sec. 30 amended by Am. 17, effective 5-25-44]

SEC. 31. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which

[19] 9 F.R. 408.

[20] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 25, 1944, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 1 store, you must figure your ceiling prices under Maximum Price Regulation No. 423). However, after you have been in business for 3 months you must determine again what group your store is in. To do this, take your total sales for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

[Above paragraph amended by Am. 17, effective 5-25-44]

If you find that your store should now be in another group, you may continue to use the Group 1 or 3 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for your new group. For "dry grocery" items use the same "net cost" which you used in figuring your ceiling prices in effect at the end of the 3-month period. For "perishable" items, you shall use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8. If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

(d) *Discontinuance of stores.* (1) If you are not an "independent" store and you close one or more of your stores so that you now have less than 4 stores under one ownership, you may find your group for each of the remaining stores by determining the "annual gross sales" under section 30 (a), treating each store as an "independent" store.

(2) If you are not an "independent" store and you close one or more of your stores, but 4 or more stores continue under one ownership, you may refigure the combined "annual gross sales" under section 30 (a) for those remaining in operation. If the combined "annual gross sales" are not $500,000 or more, you may then determine your group for each store, treating each as an "independent" store.

(3) If you find that any store is now in another group, you may refigure all of your ceiling prices for that store before the opening of business on any Thursday. For "dry grocery" items, you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable" items, you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 4 store (or under section 8 of Maximum Price Regulation No. 423 if a Group 1 or Group 2 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store is now in Group 1 or Group 2, it is subject to all other provisions of Maximum Price Regulation No. 423.

[Paragraph (d) added by Am. 9, 8 F.R. 15607, effective 11-20-43]

SEC. 32. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation if you state the tax separately, and if the statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 33. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail stores to another, your ceiling prices shall be those for the group of retailer to which you belong under this regulation.

SEC. 34. *Export sales.* The ceiling prices at which a person may export any product covered by this regulation shall be determined in accordance with the Second Revised Maximum Export Price Regulation [21] issued by the OPA.

SEC. 35. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 422, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238, Maximum Price Regulation No. 250,[22] Revised Maximum Price Regulation No. 256,[23] Revised Maximum Price Regulation No. 268, the General Maximum Price Regulation,[24] and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51 [25] with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 36. *Definitions*—(a) *"Retail route seller."* A "retail route seller" is a retailer who distributes food products to ultimate consumers who are not commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is, for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as used in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 1 retailer.* A retailer is in Group 1 if he is an "independent" retailer with an "annual gross sales" of less than $50,000.

(h) *Group 2 retailer.* A retailer is in

[21] 8 F.R. 4132, 5897, 7662, 9998, 15193; 9 F.R. 1036.

[22] 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

[23] 7 F.R. 10472; 8 F.R. 1266, 2106, 2673, 3946, 5164, 7821.

[24] 9 F.R. 1385, 5169.

[25] Revised: 9 F.R. 408.

Group 2 if he is an "independent" retailer with an "annual gross sales" of $50,000 or more, but less than $250,000.

SEC. 37. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

ARTICLE V—TABLES

SEC. 38. *Table of mark-ups for "dry groceries"* (Table A). (a) *Table A: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 3 *and* GROUP 4 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over net cost	
	Group 3. Retailer other than independent, with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more
	Percent	*Percent*
1. Baby foods	21	19
2. Cereals, breakfast	13	11
3. Cocoa, chocolate, and cereal drink preparations	22	21
4. Coffee	12	11
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal and hominy	25	22
7. Dog and cat foods	21	19
8. Fish, processed	21	21
9. Flour and flour mixes	23	15
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	24	22
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	21	19
12. Fruits, dried and dehydrated	23	22
13. Frozen foods	27	27
14. Gelatin and pudding mixtures	21	13
15. Jams, jellies, preserves, honey and peanut butter	31	31
16. Lard, pure	13	10
17. Macaroni and spaghetti products	27	26
18. Mayonnaise and salad dressing	22	22
19. Meat, canned	15	14
20. Milk, canned	10	9
21. Oils, cooking and salad	24	16
22. Oleomargarine	14	14
23. Pickles and relishes	31	31
24. Rice	24	20
25. Shortening, hydrogenated	7	6
26. Shortening, other	13	9
27. Soups, canned	19	19
28. Soups, dehydrated	31	27
29. Spices	46	46
30. Sugar	7	6
31. Syrups	24	21
32. Tea	25	23
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	26	23
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	21	19
35. Vegetables, dried and dehydrated	34	29
36. Vinegar	27	26
37. Miscellaneous foods	35	35

[Table amended by Am. 2, 8 F.R. 10987, effective 8-5-43; Item 13 amended by Am. 6, 8 F. R. 15251, effective 11-24-43; and Item 6 amended by Am. 14, 9 F.R. 4017, effective 5-1-44.]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 17, effective 5-25-44]

(3) "Cocoa, chocolate and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup, chocolate bits, cooking chocolate, and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10987, effective 8-5-43 and Am. 6, 8 F.R. 15251, effective 11-24-43]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10987, effective 8-5-43 and Am. 10, 8 F.R. 17370, effective 1-8-44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned seafood, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraphs (7) and (8) amended by Am. 6, 8 F.R. 15251, effective 11-9-43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, buckwheat, corn, rice, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple (except pineapple juice), peaches, pears, and frozen fruits.

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraphs (10) and (11) amended by Am. 17, effective 5-25-44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, and dried dates and figs. Excluded are fruit confections and candied or glaced fruits, and peels.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (12) amended by Am. 9, 8 F.R. 15607, effective 11-20-43; and Am. 13, 9 F.R. 3648, effective 4-8-44]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbert and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 6, 8 F.R. 15251, effective 11–24–43. Corrected, 8 F.R. 17369, effective 12–23–43]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 13, 9 F.R. 3648, effective 4–8–44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells," noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 6, 8 F.R. 15251, effective 11–24–43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 6, 8 F.R. 15251, effective 11–24–43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine".

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice and wild rice.

[Subparagraph (24) amended by Am. 10, 8 F.R. 17370, effective 1–8–44]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10569, effective 7–27–43 and Am. 6, 8 F.R. 15251, effective 11–24–43. Corrected, 8 F.R. 17369, effective 12–23–43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

[Subparagraph (31) amended by Am. 10, 8 F.R. 17370, effective 1–8–44]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice and frozen vegetables.

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraphs (33) and (34) amended by Am. 9, 8 F.R. 15607, effective 11–20–43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder.
Baking soda.
Barley (pearl).
Caviar.
Cocoanut, shredded, desiccated, or moist.
Cookies, crackers, toast and crumbs bought by you in bulk and sold loose.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products.
Egg nog (non-alcoholic), bottled.
Extracts.
Flavorings.
Food colorings.
Fruit pectins.
Fruit syrups for making beverages.
Glaced or candied fruits and peels.
Goat milk, canned.
Ice cream sundae syrups (except chocolate).
Meat flavorings.
Meat sauces, except catsup, cocktail sauce, and chili sauce.
Mincemeat.
Mustard, prepared.
Olives.
Olive oil, pure (packaged in containers of a capacity of one gallon or less).
Pie filling.
Popcorn (whether or not popped).
Potatoes, Julienne, packed in hermetically sealed containers.
Potatoes, shoestring, packed in hermetically sealed containers.
Pudding, date.
Pudding, fig.
Pudding, plum.
Salt, table, packaged in cartons, bags or pockets containing 100 pounds or less, kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt).
Spice oils.
Tom and Jerry batter, bottled.
Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10569, effective 7–27–43; Am. 2, 8 F.R.

10987, effective 8–5–43; Am. 6, 8 F.R. 15251, effective 11–24–43; Am. 10, 8 F.R. 17370, effective 1–8–44; Am. 13, 9 F.R. 3648, effective 4–8–44; and Am. 17, effective 5–25–44]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.

[2 items deleted by Am. 17, effective 5–25–44]

Comb honey.
Corn starch, edible or gloss (packaged in containers of more than ten pounds).
Corn sugar.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables (except as included in Table B).
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35% or more malted milk.
Maple sugar.
Meat and fish (except "Fish, processed", "Frozen fish and seafood", and "Meat, canned").
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Nuts.
Olive oil, pure (packaged in containers of a capacity of more than one gallon).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat or dog foods).
Potato chips.
Salads and relishes prepared by the retailer.
Soft drinks.
Sorghum syrup.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wild rice.
Wine.

[Paragraph (c) amended by Am. 1, 8 F.R. 10569, effective 7–27–43; Am. 2, 8 F.R. 10987, effective 8–5–43; Am. 5, 8 F.R. 13294, effective 10–4–43; Am. 6, 8 F.R. 15251, effective 11–24–43; Am. 10, 8 F.R. 17370, effective 1–8–44; Am. 13, 9 F.R. 3648, effective 4–8–44; and Am. 17, effective 5–25–44.]

SEC. 39. *Table of mark-ups for "perishables" (Table B)*—(a) *Table B: Mark-ups over "net cost" allowed to Group 3 and Group 4 retailers for "perishables" covered by this regulation by commodities.*

TABLE B—MARK-UPS OVER "NET COSTS" ALLOWED TO GROUP 3 AND GROUP 4 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost		"Selling unit" in which ceiling price must be calculated
	Group 3. Retailer other than independent with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more	
	Percent	*Percent*	
(1) Dairy products:			
Butter	8	8	1 pound.
Cheese	24	22	1 pound or 1 package.
Eggs, shell	14	12	1 dozen.
(2) Fresh fruits:			
Apples	33	33	2 pounds.
Bananas, bought on the stem	34	34	1 pound.
Bananas, bought in hands	25	25	1 pound.
Berries	34	34	1 quart, 1 pint or 1 pound.
Citrus fruits	36	36	1 dozen or 5 pounds (Grapefruit, 1 grapefruit or 1 pound).
Grapes	40	40	1 pound.
Red sour cherries	34	34	1 quart or 1 pound.
(3) Fresh vegetables:			
Cabbage	40	40	2 pounds.
Lettuce	40	40	1 head or 1 pound.
Onions, dry	40	35	3 pounds.
Potatoes, sweet	40	40	2 pounds.
Potatoes, white	30	28	5 pounds.
Tomatoes	40	40	1 pound or 1 package
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	20	20	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.)	36	36	1 pound.
Turkey bought live and sold live	20	20	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	15	1 pound.
(5) Fish: Frozen fish and seafood	26	26	1 pound.

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit"		"Selling unit" in which ceiling price must be calculated.
	Group 3. Retailer other than independent with annual volume under $250,000	Group 4. Any retailer with annual volume of $250,000 or more	
	Dollars-and-cents	*Dollars-and-cents*	
(1) Dairy products:			
(2) Fresh fruits: Coconuts	$0.01½	$0.01½	1 pound.
(3) Fresh vegetables:			
Beans, green and wax	.040	.040	1 pound.
Carrots, bunched	.02½	.02½	1 bunch.
Carrots, other than bunched	.020	.020	1 pound.
Cucumbers, except hothouse cucumbers	.02½	.02½	1 pound.
Eggplant	.030	.030	1 pound.
Peas, green	.050	.050	1 pound.
Spinach	.030	.030	1 pound.
(4) Poultry:			
(5) Fish:			

[Table B amended by Am. 1, 8 F.R. 10569, effective 8–5–43; Am. 3, 8 F.R. 12443, effective 9–16–43; Am. 5, 8 F.R. 13294, effective 10–4–43; Am. 7, 8 F.R. 14853, effective 11–4–43; Am. 10, 8 F.R. 17370, effective 1–8–44; and Am. 15, 9 F.R. 4214, effective 4–27–44]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including, but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

[Above definition amended by Am. 13, 9 F.R. 3648, effective 4–8–44]

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs". Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10569, effective 8–5–43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh, and Rome Beauty. Each variety shall be considered a separate item and priced separately.

"Bananas." Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands", means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 16, 9 F.R. 4434, effective 4–27–44.]

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines (including tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. Coconuts in husks means the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. Coconuts in shells means the fruit of the coco palm with the outer husks removed.

"Grapes" means all varieties of fresh grapes including, but not limited to, Alicante, Almeria, Concord, Emperor, Red Malaga, White Malaga, Ribier, Thompson Seedless, Tokay and Zinfandel. Each variety shall be considered a separate item and priced separately.

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

[Subparagraph (2) amended by Am. 1, 8 F.R. 10569, effective 8–5–43; Am. 3, 8 F.R. 12443, effective 9–16–43; Am. 8, 8 F.R. 15586, effective 11–19–43; and Am. 15, 9 F.R. 4214, effective 4–27–44 and as otherwise noted.]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling, shall not be considered processing.

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered as a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long), topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce, including, but not limited to Iceberg, Big Boston and Romaine. Excluded are escarole, chicory, and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes). Each grade and variety of white potatoes shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Separate items shall be "washed and packaged" spinach, and all other spinach, and must be priced separately.

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

[Subparagraph (3) added by Am. 15, 9 F.R. 4214, effective 4–27–44. Former (3) and (4) redesignated (4) and (5).]

(4) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer shall be priced in accordance with the provisions of section 20 (i). Poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 20 (j). "Frozen poultry" is as defined in Revised Maximum Price Regulation No. 269, except that the first sentence of § 1429.19 (i) (4) (ix) shall not apply. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20 and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

[Subparagraph (4), formerly (3), amended by Am. 7, 8 F.R. 14853, effective 11–4–43; Am. 10, 8 F.R. 17370, effective 1–8–44; and Am. 12, 9 F.R. 3510, effective 4–6–44]

(5) *Frozen fish and seafood.* "Frozen fish and seafood" means any fish or seafood which has been artificially frozen or frozen by exposure to the elements for preservation.

SEC. 40. *Table of ceiling prices based on any given "net cost" and mark-up (Table C)*—(a) *Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost items.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	19	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	20	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	23
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	25
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	26
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	35
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	42
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	60	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	56	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	70	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	71	71	72
45	62	62	63	64	65	65	66	67	67	68	69	70	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	71	71	72	73	74
48	63	64	64	65	66	67	67	68	69	70	70	71	72	73	73	74
49	63	64	65	66	66	67	68	69	69	70	71	72	72	73	74	75
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C is included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 3 and Group 4 retailers in figuring their ceiling prices. Table B gives the same information for "perishables". However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables". For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net cost are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost". If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

Example (1). A Group 3 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can tomatoes, 1942 pack, which he must put into effect by August 5, 1943, in accordance with section 3. His most recent purchase of a customary quantity of this item from a customary type of supplier delivered to his usual receiving point was a carload purchased from a packer and delivered at a cost of $2.00 a case (24 cans) on July 20, 1943. He must first figure, to the nearest half-cent, his "net cost" on a single unit basis (sec. 4 (a) (2)), that is, for a single can. He therefore divides the cost for the case, $2.00, by the number of single units in the case, 24, and gets a result of $0.0833, before rounding. Rounding to the nearest half-cent, this becomes $0.085. (If the figure had been $0.0821 before rounding, he would have rounded to $0.080.) He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned tomatoes this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned". Going across the page on that line, he will find his mark-up for the item in the column for Group 3 retailers. In this case, his mark-up is 21 percent. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.085. Going down this $0.085 column until he comes to the figure on the same line as his percentage mark-up of 21 percent listed in the column at the extreme left of Table C he will find his ceiling price for the item to be 10 cents per can.

Example (2). A Group 3 retailer wishes to figure a ceiling price for California yellow globe dry onions, U. S. #1, which he must use during the period, August 19, 1943, (Thursday) to August 26, 1943 (Wednesday), inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 250 bags of 50 pounds each of California yellow globe dry onions, U. S. #1, at a delivered cost of $2.98 per bag, a purchase of 150 bags of the same grade and variety of onions at a delivered cost of $3.02 a bag, and another purchase of the same item of 200 bags at a delivered cost of $2.97 a bag. His largest purchase, therefore, was the purchase of the 250 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for onions is 3 pounds. He divides his cost per 50-pound bag in his largest purchase, $2.98, by 50, to get a result of $0.0596, which would be his cost per pound. Multiplying this by 3 he gets, before rounding, a figure of $0.1788, his cost for 3 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $0.180. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C in the same way as he did in Example (1) above. Going to Table C, he will find that 25 cents is the ceiling price for an item with a net cost of $0.180 and a mark-up of 40 percent.

Example (3). A Group 3 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at $4.05 per basket. His selling unit for green peas, given in Table B, is 1 pound. He therefore divides his cost per basket ($4.05) in his largest purchase during the preceding week, by 28 (the minimum net weight of a bushel basket of green peas). This results in $0.144, which is rounded to 14½ cents. He then looks in Table B for the mark-up for green peas, which is $0.050. This mark-up, 5 cents, added to the net cost per selling unit of 1 pound, 14½ cents, gives him 19½ cents. Therefore his ceiling price per pound of California green peas for the period May 4th through May 10th is 19½ cents. In selling 1 pound, he may charge 20 cents. However, if he sells 2 pounds, he may charge no more than 39 cents (2×19½¢).

[Paragraph (b) amended by Am. 15, 9 F.R. 4214, effective 4–27–44]

Effective date. This regulation shall become effective on the 26th day of July 1943. [MPR 422 originally issued July 8, 1943]

[NOTE: Effective dates of amendments are shown in notes following the parts affected.]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 24th day of May 1944.

CHESTER BOWLES,
Administrator.

Approved as to action contained herein with respect to agricultural commodities.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44–7465; Filed, May 24, 1944; 4:36 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

[MPR 423,[1] Incl. Amdts. 1–18]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

This compilation of Maximum Price Regulation 423 includes Amendment 18, effective May 25, 1944. The text added or amended by Amendment 10 is underscored. Deletions are indicated by notes.

A statement of the considerations involved in the issuance of this Maximum Price Regulation No. 423 has been issued simultaneously herewith and filed with the Division of the Federal Register.[2]

So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation. In the judgment of the Price Administrator, the ceiling prices established by this maximum price regulation are and will be generally fair and equitable and comply with the requirements of the Emergency Price Control

[1] 8 F.R. 9407.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, and will effectuate the purposes of said act and Executive orders.

§ 1351.362 *Ceiling prices of certain foods sold at retail in independent stores doing an annual business of less than $250,000 (Group 1 and Group 2 stores).* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, Executive Order No. 9250, and Executive Order No. 9328, Maximum Price Regulation No. 423, which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1351.362 issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681.

MAXIMUM PRICE REGULATION 423—CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN $250,000 (GROUP 1 AND GROUP 2 STORES)

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ARTICLE I—GENERAL PROVISIONS

SECTION 1. *What this regulation does.* This regulation fixes new ceiling prices for the "dry groceries" listed in Table A and the "perishables" listed in Table B for all "independent" retail stores doing an annual business of under $250,000. These new ceiling prices are to be used instead of the ceiling prices figured under any other price regulation or order issued by the Office of Price Administration (hereinafter called OPA), except as otherwise provided in any order fixing dollars-and-cents ceiling prices which has been or which may be issued by the OPA pursuant to General Order No. 51.[3] All other retail stores (Group 3 and Group 4 stores) selling these food products are covered by Maximum Price Regulation No. 422.[4]

SEC. 2. *How you find out whether your store is covered by this regulation and what group it is in*—(a) *What stores are covered.* Your store is covered by this regulation if it is a Group 1 or 2 store as defined below and if you are a retailer who buys and resells food products, generally without materially changing their form, for the most part to ultimate consumers who are not commercial, industrial or institutional users. The provisions of this regulation apply to "retail route sellers" only with respect to fresh fruits and vegetables. However, this regulation does not apply to "health food stores", or to automatic vending machines or farmers selling produce grown on their own farms.

[Paragraph (a) amended by Am. 16, 9 F.R. 4217, effective 4-27-44.]

(b) *What are Group 1 and 2 stores.* For the purpose of this regulation, Group 1 and 2 stores are defined as follows:

(1) *Group 1.* Your store is in Group 1 if it is an "independent" store with "annual gross sales" of less than $50,000. Your store is an "independent" store if it is not one of 4 or more stores under one ownership whose combined "annual gross sales" are $500,000 or more.

(2) *Group 2.* Your store is in Group 2 if it is an "independent" store with "annual gross sales" of $50,000 or more, but less than $250,000.

(If you are not sure what group your store is in, use the directions in section 20 for figuring the "annual gross sales" of your store. See section 25 for definitions of Group 3 and Group 4 retailers.)

[3] Revised: 9 F.R. 408.

[4] 8 F.R. 9395, 10569, 10987, 12443, 12611, 13294, 15251, 14853, 15586, 15607, 17369, 17370; 9 F.R. 95.

(c) *How to post a sign of the group your store is in.* At all times, you must have the group your store is in under this regulation posted on a sign reading "OPA–1" or "OPA–2", whichever it is, or on a sign which the OPA may furnish to you. The sign must be posted so that it can be clearly seen by your customers. (The word "Group" as used in this regulation means the same thing as the word "Class" meant in Revised Maximum Price Regulation No. 238[5] and in Revised Maximum Price Regulation No. 268.[6]

(d) *When you may choose to treat your store as a Group 3 or 4 store.* You may choose to treat your store as either a Group 3 or Group 4 store under Maximum Price Regulation 422 and post a sign in your store as a member of such other group if you:

(1) Figure your ceiling prices for all the items listed in Tables A and B of this regulation as a member of the group you choose;

(2) Use the ceiling prices fixed for that group in Maximum Price Regulation No. 390[7] for all the household soaps and household cleansers it covers;

(3) Use the ceiling prices for "Group 3 and 4" stores fixed in Maximum Price Regulation Nos. 336[8] and 355[9] for all the meat items they cover;

(4) Use all the dollars-and-cents ceiling prices fixed under the OPA community price orders issued for stores in the group you choose; and

(5) Notify your nearest OPA District Office of these facts.

Dry Groceries

SEC. 3. *How and when you figure your ceiling prices for "dry groceries"*—(a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, grade, variety, container-type and container-size) of "dry groceries" listed in Table A shall be the total of (1) the "net cost" you have to pay for the first delivery to you of the item on or after August 5, 1943, plus (2) the mark-up given you for it in Table A.

(b) *When you must figure your ceiling prices for "dry groceries."* You must figure and put into effect a new ceiling price for each item of "dry groceries" listed in Table A not later than 5 days after receiving the first delivery of the item on or after August 5, 1943. Until then keep your present ceiling prices. Figure your new ceiling price by following the directions in section 4.

[5] Revoked: 8 F.R. 12468.

[6] 7 F.R. 9184; 8 F.R. 322, 1747, 2483, 2664, 3527, 3732, 4524, 4929, 5907, 6129, 7116, 7661, 7592, 8682, 9365, 9299, 9460, 10568.

[7] 8 F.R. 6428, 8947, 9380, 13499.

[8] 8 F.R. 2859, 4253, 5317, 5834, 6212, 7682, 8944, 9366, 12480, 13181, 15670; 9 F.R. 167, 2212.

[9] 8 F.R. 4423, 4922, 6214, 6428, 7199, 7827, 8185, 8945, 9366, 11297, 12237, 12811, 14738; 9 F.R. 1157.

SEC. 4. *Directions for applying the rule for "dry groceries"*—(a) *Old prices.* Keep your old ceiling price until you put into effect your new ceiling price based on the first delivery of the item to you on or after August 5, 1943. Treat as a separate item each kind, brand, grade, variety, container-size and container-type of "dry groceries".

(b) *Net cost.* To figure your new ceiling price, first find the "net cost" of the item based on its first delivery to you on or after August 5, 1943. Your net cost will be the amount you pay your supplier less all discounts except the discount for prompt payment plus all transportation charges you pay except local trucking and local unloading.

(1) Your net cost must be figured on purchases of a customary quantity from a customary type of supplier delivered to your "usual receiving point" by a customary means of delivery. If the first delivery of an item to you on or after August 5, 1943, is not one of this type, you shall not use the net cost of that purchase as the basis for figuring your ceiling price. Instead, in that case, you must find out what your net cost would have been if that purchase had been of a customary quantity from your customary type of supplier delivered to your usual receiving point by a customary means of delivery, and use that figure as your net cost in figuring your ceiling price for the item. Of course, you must never figure your net cost on a purchase made at a price higher than your supplier's ceiling.

(2) Figure the net cost on a single unit basis (that is, per can, per pound, per package, per jar, etc.) to the nearest half-cent. Your invoice cost may be the cost of a carton, case or barrel for instance, and not the cost of the package, can, or other unit you sell. Find the net cost of the single unit you sell by dividing the cost for the carton, case or barrel by the number of units in the carton, case or barrel.

(c) *Mark-up.* Turn to Table A to find the mark-up for the item given your group of stores. Table A lists all the "dry groceries" covered by this regulation by commodity groups.

(d) *Ceiling prices.* Next turn to Table C. Using the directions given there, you will get your ceiling price for the item. You must not change this ceiling price unless OPA authorizes you to do so. (Section 6 tells you when you can change it.)

(e) *Invoices.* You must write your "net cost" per unit either on your invoice or other record of the price you paid for the item or on a separate slip of paper and attached to that invoice or other record. You must keep separate, or mark or tag plainly, all invoices or records showing the net cost per unit which you used in figuring your ceiling prices. These invoices and records you used in figuring your ceiling prices are your means of proving that your ceiling prices are right.

SEC. 5. *How you figure your ceiling prices for items of "dry groceries" not kept in stock.* If you have already figured a ceiling price under this regulation for an item of "dry groceries" which you have not had in stock for 60 days, you may, if you wish, figure a new ceiling price when next you purchase it. Do this by following directions in section 4, using, however, the "net cost" you had to pay for your new purchase.

SEC. 6. *When you may change a ceiling price*—(a) *Official notification.* If OPA changes a supplier's ceiling price for an item covered by this regulation, it may direct retailers to refigure their ceiling prices for the item. You may not refigure your ceiling price under this paragraph until you receive written notice requiring you to do so. Ordinarily a written notice telling you to refigure your ceiling price will come to you directly from your supplier or the manufacturer. You will find it inside or attached to the carton, case or barrel containing the item, or it will be sent to you with the invoice. After actually receiving the item for the first time with such a notice, you must, before selling the item, refigure your new ceiling price by following the directions in section 4, figuring your "net cost", however, on that first delivery. You must write this new ceiling price on the invoice covering that delivery. Be sure to keep this notice attached to your invoice or other record showing the price you paid for the item. Even though you received later shipments with the same notice you must not change your ceiling price again.

(b) *Special deals.* If your ceiling price for an item was based on a delivery to you at a "special deal" price, you may refigure your ceiling price when you receive your first delivery of that item after the termination of the "special deal". In refiguring your ceiling price, you must follow the directions in section 4, figuring your "net cost", however, on the first delivery to you of the item after the termination of the "special deal".

A "special deal" price means a reduced price, in effect for an announced period of not more than 90 days, to all purchasers of the same class, which price was made for the purpose of introducing a new commodity not theretofore on the market, or resulting from offers of free goods or combination sales. No price resulting from a discount for quantity purchases shall be considered a "special deal" price.

[Sec. 6 amended by Am. 11, 8 F.R. 17371, effective 1–8–44, except that paragraph (b) shall be effective 12–29–43]

Perishables

SEC. 7. *How and when you figure your ceiling prices for "perishables"* — (a) *General rule.* Your ceiling price for each item (that is, for each kind, brand, variety, and grade) of "perishables" listed in Table B shall be the total of (1) the "net cost" of the largest delivery of the item to you during the week before, plus (2) the mark-up given you for it in Table B.

(b) *When you must figure your ceiling prices.* By the opening of business on August 5, 1943, you must have figured your ceiling price for each item of "perishables" listed in Table B which you have in stock at that time. These ceiling prices must be checked each week after August 5, 1943, and changed on Thursday of each week for any item if your "net cost" of that item has changed in the preceding seven days. Never change your ceiling price on any day but Thursday.

For items which you receive for the first time or which you have not had in stock for 30 days, you must figure and use a ceiling price at once using the net cost of that first delivery. On each Thursday after that you must treat the item as you would any other item of perishables covered under this regulation.

SEC. 8. *Directions for applying the rule for "perishables"*—(a) *"Net cost".* To figure your ceiling price, first find the "net cost" of the largest delivery to you of the item during the seven day period before the Thursday for which you are figuring your price. If you have received more than one delivery of the same largest quantity, use the most recent of these deliveries. Your net cost will be the amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid, which may include costs for icing, refrigeration, and ventilation, but which may not include costs for local trucking and local unloading. Of course, you must never figure your net cost on a purchase made at price higher than your supplier's ceiling.

[Paragraph (a) amended by Am. 7, 8 F.R. 15252, effective 11–9–43]

(1) Your net cost must be based on purchases delivered to your usual receiving point.

(2) Figure the net cost on the basis of the "selling unit" (for example, 5 lbs., 1 dozen, etc.) listed in Table B for the commodity group which includes the item you are pricing. Always figure net cost to the nearest half cent.

(3) If you have received no delivery of any item which you have in stock at the opening of business on August 5, 1943, during the week before, you shall, in figuring your first ceiling price for the item on August 5, 1943, base your net cost on its most recent delivery to you.

(b) *Mark-up.* Turn to Table B to find the mark-up for the item given for your group of store. Table B lists all the "perishables" covered by this regulation by commodity groups. Note that some mark-ups are percentage mark-ups, while others are dollars-and-cents additions per "selling unit" which you make to your net cost.

(c) *Ceiling price*—(1) *Percentage mark-ups.* If the item has been given a

percentage mark-up in Table B, turn to Table C. Using the directions given there, you will get your ceiling price for the item.

(2) *Dollars-and-cents mark-ups.* If the item has been given a dollars-and-cents mark-up in Table B, instead of a percentage mark-up, do not use Table C to get your ceiling price. You will get your ceiling price for the item by adding the named dollars-and-cents mark-up in Table B to your "net cost". If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

(3) *Sales in other quantities.* You may sell an item in a quantity other than the "selling unit" given in Table B. If you sell an item in a quantity other than the "selling unit" given in Table B, you must reduce or increase your ceiling price proportionately. (For example, if your ceiling price for an item of potatoes is 20 cents for 5 pounds, the "selling unit", and you make a sale of 3 pounds of these potatoes, take three-fifths of your ceiling price for 5 pounds, 20 cents, and the resulting figure of 12 cents would be your ceiling price for the 3-pound sale. If you make a sale of 10 pounds, multiply 20 cents by 2, and the resulting figure of 40 cents would be your ceiling price for the 10-pound sale.) If figuring a price for a quantity different from the "selling unit" results in a fraction of a cent, you may charge the next higher cent.

[Paragraphs (b) and (c) amended by Am. 16, 9 F.R. 4217, effective 4-27-44.]

SEC. 9. *Price which you must post.* At all times you must have your current selling price for each item of food covered by this regulation clearly shown on the item or at or near the place in your store where the item is offered for sale. Of course, this posted price must never exceed your ceiling price.

[Sec. 9 amended by Am. 18, effective 5-25-44]

SEC. 10. *Additions allowed for deliveries made by you to your customers.* (a) If you deliver to your customers' homes or places of business any of the items covered by this regulation, you may add to the total value of the delivery, as a separate charge, whichever of the following amounts applies:

Value of delivery:	*Addition allowed*
$0.00–$1.99	No addition
$2.00–$2.99	10¢
$3.00–$4.49	15¢
$4.50–$5.49	20¢
Over $5.49	25¢

(b) If you make such deliveries and add such charges, you are required to keep for one month a copy of each sales slip or invoice, itemizing clearly your prices for the items delivered and the amount of the delivery charges permitted under the provisions of this section.

SEC. 11. *Indirect price increases prohibited.* You must not evade any of the provisions of this regulation or any order issued pursuant to it by any stratagem, scheme, or device. You must not, as a condition of selling any particular food, require a customer to buy anything else. Any such evasion is punishable as a violation of this regulation.

You must not use an unnecessarily high "net cost" in figuring a ceiling price under this regulation. If you make such a high cost purchase, you must find out what your net cost as used in section 4 or 8 would be and use that net cost to figure your ceiling price. You may never use the "net cost" of a purchase from another retailer to figure a ceiling price.

SEC. 12. *Sales slips and receipts.* If you have customarily given a purchaser a sales slip, receipt or similar evidence of purchase, you must continue to do so. Furthermore, regardless of your custom, you must give any customer who asks for it a receipt showing the date, your name and address, each food item sold and the price you charged for it.

SEC. 13. *Records.* After August 5, 1943, you must keep for one year after you receive them all your invoices, freight bills, and other records showing the price you paid and the date you received delivery of each item covered by this regulation.

You are required to show all your invoices on request of any OPA representative and to furnish on request of any OPA representative a written record of your ceiling price in effect at any particular time or times for any or all of the items covered by this regulation. You must also keep available for inspection by an OPA representative the records you used in deciding what group your store is in.

SEC. 14. *Licensing.* The provisions of Licensing Order No. 1,[10] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[Sec. 14 amended by Supplementary Order No. 72, 8 F.R. 13244, effective 10-1-43]

SEC. 15. *Prohibitions.* On and after August 5, 1943, if you sell or deliver or offer to sell or deliver at a price higher than your ceiling price fixed by this regulation or any order issued pursuant to it, or if you otherwise violate any provisions of this regulation or any order issued pursuant to it, you are subject to the criminal penalties, civil enforcement actions, license suspension proceedings, and suits for treble damages provided for by the Emergency Price Control Act of 1942, as amended. Also, any person, who, in the course of trade or business, buys from you at a price higher than your ceiling price is subject to the criminal penalties and civil enforcement actions provided for by that act.

SEC. 16. *Notice of dollars-and-cents ceiling prices.* From time to time the OPA may, by order issued pursuant to General Order No. 51,[11] fix in your region or community dollars-and-cents ceiling prices for some or all of the dry groceries or perishables under this regulation. When these dollars-and-cents prices are fixed, you may not thereafter sell at higher prices, and these orders may also provide that such prices take the place of the ceiling prices which you have under this regulation. If such orders do not provide that they replace your prices under this regulation, you must continue to figure your prices under this regulation. If the OPA has, before the effective date of this regulation, established a ceiling price for you for an item pursuant to such an order, you shall use that as your ceiling price and shall not figure a ceiling price under this regulation for the item.

SEC. 17. *Further provisions supplementing or explaining this regulation.* From time to time, the Price Administrator may, by amendment, issue further provisions which will supplement the provisions of this regulation or explain the rights and duties of buyers and sellers under it. These further provisions will become part of this regulation and may be added as paragraphs to this section.

(a) Whenever an amendment adds any food product to the list of items covered in Table A, you must figure your ceiling price for that food product in accordance with sections 3, 4 and 5. However, in doing so, you shall substitute the effective date of such amendment for the date August 5, 1943, whenever it appears in sections 3, 4 and 5.

(b) Whenever an amendment changes either a commodity definition in Table A by transferring a food product from one commodity group to another or the mark-up for your group of retailers, you must refigure your ceiling prices for the items affected by such amendment in accordance with section 4, basing your "net cost" on the first delivery to you of such items after the effective date of the amendment.

[Paragraph (a) and (b) added by Am. 7, 8 F.R. 15252, effective 11-9-43]

(c) Effective May 25, 1944, this regulation requires that the year 1943 be used as the basis for figuring your "annual gross sales" instead of the year 1942. If you find that, as a result of that change, your store is in a group different from the one it was in before, you must, by the opening of business on Thursday, June 15, 1944, refigure all of your ceiling prices. For "dry grocery" items you must use as your "net cost" the same

[10] 8 F.R. 13240.

[11] Revised: 9 F.R. 408.

"net cost" you used in figuring your existing ceiling prices. For "perishable" items you must use as your "net cost" the same "net cost" you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation (or under section 8 of Maximum Price Regulation No. 422 if you become a Group 3 or Group 4 store). If, under that section, you would not have been required to refigure your ceiling price for any "perishable" item on that Thursday, you must use as your "net cost" for that item the same "net cost" on which your existing ceiling price is based. Further, if any store becomes a Group 3 or Group 4 store, it is on and after June 15, 1944, subject to all other provisions of Maximum Price Regulation No. 422.

[Paragraph (c) added by Am. 18, effective 5-25-44]

ARTICLE II—SPECIAL PRICING PROVISIONS

SEC. 18. *Sections in Maximum Price Regulation No. 422 which you must use if they apply to your method of doing business.* Maximum Price Regulation No. 422, which covers the same food items as this regulation, but for Group 3 and 4 stores, contains a number of special pricing provisions which you are required to follow if you perform the operations they cover. (You may obtain a copy of Maximum Price Regulation No. 422 from your nearest OPA District Office.) The sections of that regulation which you must follow if they apply to you are as follows:

(a) SECTION 18. *Additions for packaging.* (Applies to you if you package any item under this regulation in cardboard containers, cotton bags, transparent bags, interlined coffee bags, or certain Kraft bags or similar type bags, or if you carton eggs.)

[Paragraph (a) amended by Am. 11, 8 F.R. 17371, effective 1-8-44]

(b) Section 19. *Special limitations in figuring your "net cost" in certain cases.* (Applies to you if you purchase butter or cheese f. o. b. shipping point and not on a delivered basis, and if you buy fresh fruits and vegetables from others than wholesalers.)

(c) Section 20. *How you figure your "net cost" in certain cases.* (Applies to you if you import fresh bananas or purchase fresh bananas from importers f. o. b. port of entry or at auction; if you package and print butter; if you candle and grade eggs; if you sell "ungraded eggs"; if you purchase white potatoes or dry onions ungraded and unsacked; if you purchase ungraded, unsized and unpacked citrus fruits and you grade, size and pack such citrus fruits; if you buy poultry live or dressed, and you sell it drawn; if you buy poultry live, dressed or drawn and sell it cut-up or in parts; if you import cocoanuts; or if you import packed pineapple, or packed pineapple juice, other than pineapple juice packed in the Territory of Hawaii or in Puerto Rico.

[Paragraph (c) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; Am. 4, 8 F.R. 12611, effective 9-11-43; Am. 7, 8 F.R. 15252, effective 11-9-43; Am. 11, 8 F.R. 17371, effective 1-8-44; Am. 13, 9 F.R. 3510, effective 4-6-44; Am. 16, 9 F.R. 4217, effective 4-27-44; and Am. 18, effective 5-25-44]

(d) Section 21. *Additional charges allowed for slaughtering and plucking poultry.* (Applies to you if you slaughter or pluck poultry for your customers.)

(e) Section 22. *Additions for delivery from your warehouse to your store.* (Applies to you if your usual receiving point is a warehouse over 125 miles from your store.)

(f) Section 23. *How you figure your ceiling prices for perishables on a weighted average basis.* (Allows you to apply to use a weekly weighted average as a basis for figuring net cost of perishables instead of the largest single delivery.)

(g) Section 25. *How you figure your ceiling prices for foods you "manufacture or otherwise process."* (Applies to you if you manufacture or process any of the foods covered by this regulation.)

(h) Section 26. *Mail order sales.* (Applies to you if you make mail order sales.)

(i) Section 34. *Export sales.* (Applies to you if you make export sales.)

(j) Section 25a. *Ceiling prices for sales of poultry pursuant to Food Distribution Order No. 91.* (Applies to you if the United States Government or its agencies purchases or requisitions any poultry items set aside pursuant to Food Distribution Order No. 91.)

[Paragraph (j) added by Am. 12, 9 F.R. 95, effective 12-31-43]

SEC. 18a. *How you figure ceiling prices for items if you are also a wholesaler and receive such items from a warehouse owned or controlled by you.* (a) If, prior to March 1942, you owned or controlled a warehouse physically separate and apart from your retail store, and you acted as a wholesaler distributing from such warehouse, food products to independent retail stores not owned or controlled by you, and you still own or control such a warehouse, you may, in figuring your ceiling price for each item customarily obtained by you from such warehouse and sold by you from your retail store to the ultimate consumer other than commercial, industrial or institutional users, use as the basis of your "net costs", the net cost you used in figuring your ceiling prices for your wholesale sales under Maximum Price Regulation No. 421,[12] plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling prices, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(b) For any item so obtained for which you have already figured a ceiling price under this regulation, you must refigure your ceiling price on or before October 14, 1943, using as the basis of your "net cost" the same "net cost" you used in figuring your present ceiling prices for your wholesale sales under Maximum Price Regulation No. 421, plus the mark-up allowed in that regulation for a Class 1 (retailer-owned cooperative) wholesaler. To get your ceiling price, reduce the resulting figure to the "net cost" of a single unit and apply the mark-up for your group of retailer as set forth in section 4.

(c) Within 10 days after you first figure your prices in accordance with the provisions of this section, you must notify your nearest district office in writing that you have so figured your prices.

[Sec. 18a added by Am. 5, 8 F.R. 13294, effective 10-4-43]

ARTICLE III—MISCELLANEOUS PROVISIONS

SEC. 19. *How certain stores, where necessary to assure an adequate supply of food in a locality, may apply for mark-up adjustments.* (a) If your store is necessary to provide an adequate supply of food products in a locality; and by reason of remote location, long-term credit, short selling season, or other such unusual operating conditions, you find it impossible to operate under the mark-ups fixed by this regulation you may apply for an adjustment of such mark-ups by filing with your nearest District OPA office two copies of a signed statement giving for your store: (1) its name and address; (2) its group under this regulation; (3) its type (for example, cash-and-carry; service, delicatessen); (4) the approximate number of its food customers; (5) the total number of stores selling food in its community; (6) its distance from the nearest store selling food and the name and address of that store; and (7) the reasons why you are unable to operate under the mark-ups fixed by this regulation.

If you have more than one store you may file one application for all your stores which meet the conditions stated above. Your application must state separately for each store the specific information this section calls for.

(b) Any Regional Office of the OPA, or such offices as may be authorized by order issued by the appropriate Regional Office, may act on all applications for ad-

[12] 8 F.R. 9388, 10569, 10987, 13293, 15250, 15607, 17368, 17367.

justment under the provisions of this regulation. Applications for adjustment are governed by Revised Procedural Regulaton No. 1.[12]

SEC. 19a. *Regional adjustment of poultry mark-ups.* Each Regional Administrator of the OPA is hereby authorized to reduce the mark-ups listed in Table B in section 28 (a) for retailers in any area or locality within his jurisdiction for sales of any poultry items in connection with adjustments made pursuant to § 1429.14 (e) of Revised Maximum Price Regulation No. 269,[14] whenever such action is necessary to prevent an increase in the ceiling prices at which such poultry items may be sold by retailers.

[Sec. 19a added by Am. 1, 8 F.R. 10570, effective 8-5-43]

SEC. 20. *How you find the "annual gross sales" of your store.* (a) To find your "annual gross sales", take your total sales for the calendar year 1943. Include all sales as shown on your books, except sales made by a restaurant operated in conjunction with your store. You can use your Federal Income Tax Return to get your gross sales for all or part of the calendar year 1943 which is covered by such return. If you own more than one store, figure the sales for each store separately, treating each as a separate retailer.

(b) If you were not in business during the entire year 1943, you must divide your total sales from the time you began operation up to May 25, 1944, by the number of weeks you were in business. This will get you your weekly average sales. Multiply this figure by 52, and the result is your "annual gross sales".

[Sec. 20 amended by Am. 18, effective 5-25-44]

SEC. 21. *How you determine your group in certain special cases*—(a) *Department stores.* If you operate a department store, that is, a store in which the greater volume of sales is general merchandise and not foods, and you sell foods in a separate department or departments, you must determine your group by using only the "annual gross sales" of your food department or departments.

(b) *Stores in which more than one retailer operates.* (1) If you sell food in a retail store in which there are other food retailers, none of whom sells a complete line of the same general class of food, you must find your group by taking the combined "annual gross sales" of all the food retailers in that store.

(2) If you sell foods in a retail store in which more than one retailer sells a complete line of the same general class of food, you will be considered as operating a separate retail store of your own, and you must determine your group by using only your own sales.

(c) *New stores.* If you open a retail store after May 25, 1944, you may consider yourself a Group 1 or Group 3 retailer, depending upon whether or not at that date your store is an "independent" store, and you must figure your ceiling prices accordingly. (If you are a Group 3 store, you must figure your ceiling prices under Maximum Price Regulation No. 422.) However, after you have been in business for 3 months, you must determine again what group your store is in. To do this, take your total sales in the new store for the 3-month period and multiply by 4. Use the result as your "annual gross sales" in determining the group in which your store belongs.

Furthermore, if by reason of the new store you now are one of 4 or more stores under one ownership, you must at the end of the 3-month period refigure the combined "annual gross sales" for all your stores. If the combined "annual gross sales" are $500,000 or more, all of your stores must then be considered as Group 3 or Group 4 stores. You may continue to use the existing ceiling prices in each store until the second Thursday following the end of the 3-month period, by which time you must have refigured all of your ceiling prices in each store, using the mark-ups for its proper group.

If you find that only the new store should now be in another group, you may continue to use the Group 1 mark-ups until the second Thursday following the end of the 3-month period, by which time you must have refigured all your ceiling prices using the mark-ups for the new group in which this store falls.

In refiguring your ceiling prices as required above, for "dry grocery" items you must use as your "net cost" the same "net cost" you used in figuring your existing ceiling prices. For "perishable items", you must use as your "net cost" the same "net cost" which you would have used in refiguring your ceiling prices on that Thursday under section 8 of this regulation if a Group 1 store (or under section 8 of Maximum Price Regulation No. 422 if a Group 3 store). If, under that section, you would not have been required to refigure your ceiling price for any item on that Thursday, you shall use as your "net cost" for that item the same "net cost" on which your existing ceiling price at that time is based.

[Paragraph (c) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 18, effective 5-25-44]

SEC. 22. *Taxes.* You may collect, in addition to your ceiling price, any tax upon or incident to a sale at retail of food covered by this regulation, if you state the tax separately, and if the tax statute or ordinance does not prohibit sellers from stating and collecting the tax separately from the price.

SEC. 23. *Transfer of business and stock in trade.* If, after August 5, 1943, you acquire in any way the business, assets, and stock in trade of any retail store covered by this regulation and you carry on the business, or continue to deal in the same type of food products in that same store, your ceiling prices shall be the same as those of the former owner if no transfer had taken place. You must keep all the records needed to verify your ceiling prices. The former owner must either preserve and make available to you, or give you, all the records of his transactions before you acquired the store which you need to comply with the record provisions of this regulation.

If the transfer changes the business from one group of retail store to another, your ceiling prices shall be those for the group of retailers to which you belong under this regulation.

SEC. 24. *Relation to other regulations.* The provisions of this Maximum Price Regulation No. 423, except as otherwise provided in this regulation, shall, on and after August 5, 1943, supersede the provisions of Revised Maximum Price Regulation No. 238, Maximum Price Regulation No. 250,[15] Revised Maximum Price Regulation No. 256,[16] Revised Maximum Price Regulation No. 268, the General Maximum Price Regulation,[17] and any other applicable price regulation or order issued by the OPA except any order issued pursuant to General Order 51,[18] with respect to sales and deliveries for which ceiling prices are established by this regulation.

SEC. 25. *Definitions*—(a) *Retail route seller.* A "retail route seller" is a retailer who distributes food products to ultimate consumers other than commercial, industrial or institutional users, either on a future delivery basis or otherwise, from an inventory stocked in trucks or other conveyances operated by driver-salesmen over regular routes. A retailer, most of whose business is the personal solicitation of orders by salesmen calling at the homes or places of business of ultimate consumers, who are not commercial, industrial or institutional users, shall also be considered a retail route seller. A retailer is a "retail route seller" only of the food products he sells in this way.

(b) *Health food stores.* A "health food store" is one whose sales to consumers consist principally of especially prepared vitamin-enriched foods customarily included in the trade term "health foods" which are usually sold for special dietary purposes.

(c) *Delivery.* Delivery of an item covered by this regulation shall be considered to have occurred when the item has been received by you at your usual receiving point.

(d) *Usual receiving point.* Your usual receiving point will be either your retail store or your warehouse from which you supply your retail stores, depending upon where you normally receive the particular item you are pricing under this regulation.

(e) *Item.* You must determine a separate ceiling price for each item; that is,

[12] 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594.

[14] 8 F.R. 13813, 14016, 15258, 14854, 15190, 16793; 9 F.R. 95, 612, 902, 96, 1036, 1941.

[15] 7 F.R. 8705, 9898, 10014, 10994; 8 F.R. 2673, 10559.

[16] 7 F.R. 8893, 10473; 8 F.R. 1266, 2106, 2673, 3946, 5164.

[17] 9 F.R. 1385.

[18] Revised: 9 F.R. 403.

for each kind, brand, size, variety, grade, container-type, and container-size, except for fresh fruits and vegetables. Separate fresh fruit and vegetable items shall be those defined as separate in the definitions accompanying Table B.

(f) *Manufacture or otherwise process.* "Manufacture or otherwise process" shall mean blending, freezing, canning, preserving, bottling, milling, crushing, straining, roasting, centrifuging, cooking, distilling, purifying with heat, and other similar operations.

Packaging as referred to in section 18, ripening of bananas, printing of butter, candling and grading of eggs, and killing and dressing of poultry shall not be considered manufacturing or processing under this regulation.

(g) *Group 3 retailer.* A retailer is in Group 3 if he has an "annual gross sales" of less than $250,000 and he is not an "independent" retailer.

(h) *Group 4 retailer.* A retailer is in Group 4, whether "independent" or not, if he has an "annual gross sales" of $250,000 or more.

SEC. 26. *Geographical applicability.* The provisions of this regulation shall apply to the 48 states of the United States and to the District of Columbia.

ARTICLE IV—TABLES

SEC. 27. *Table of mark-ups for "dry groceries" (Table A)—(a) Table A: Mark-ups over "net cost" allowed to Group 1 & Group 2 retailers for dry groceries covered by this regulation by commodities.*

TABLE A—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR DRY GROCERIES COVERED BY THIS REGULATION BY COMMODITIES

Food commodities	Allowed mark-ups over "net cost"	
	Independent retailers with annual volumes	
	Group 1—under $50,000	Group 2—$50,000 but less than $250,000
	Percent	*Percent*
1. Baby foods	25	23
2. Cereals, breakfast	22	20
3. Cocoa, chocolate, and cereal drink preparations	29	29
4. Coffee	17	17
5. Cookies, crackers, toast and crumbs	25	25
6. Corn meal and hominy	29	29
7. Dog and cat foods	27	27
8. Fish, processed	27	27
9. Flour and flour mixes	27	27
10. Fruits, berries and fruit juices (canned) except fruit cocktail, pineapple, peaches and pears	26	26
11. Fruit cocktail, pineapple, peaches and pears (canned) except juices	25	23
12. Fruits, dried and dehydrated	27	25
13. Frozen Foods	27	27
14. Gelatin and pudding mixtures	28	25
15. Jams, jellies, preserves, honey and peanut butter	32	32
16. Lard, pure	20	18
17. Macaroni and spaghetti products	32	32
18. Mayonnaise and salad dressing	24	24
19. Meat, canned	21	21
20. Milk, canned	20	20
21. Oils, cooking and salad	28	28
22. Oleomargarine	17	15
23. Pickles and relishes	32	32
24. Rice	28	28
25. Shortening, hydrogenated	9	9
26. Shortening, other	18	18
27. Soups, canned	27	26
28. Soups, dehydrated	34	34
29. Spices	46	46
30. Sugar	17	12
31. Syrups	28	28
32. Tea	26	26
33. Vegetables and vegetable juices (canned) except corn, green and wax beans, peas, tomatoes and tomato juice	31	31
34. Corn, green and wax beans, peas, tomatoes and tomato juice (canned)	25	23
35. Vegetables, dried and dehydrated	36	36
36. Vinegar	39	34
37. Miscellaneous foods	40	40

[Table amended by Am. 2, 8 F.R. 10988, effective 8–5–43. Item 13 amended by Am. 7, 8 F.R. 15252, effective 11–24–43; and Item 6 amended by Am. 15, 9 F.R. 4017, effective 5–1–44.]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) "Baby foods" means "baby" or "junior" soups, fruits, vegetables, meats and mixtures thereof packed in hermetically sealed containers. Excluded are dry baby cereals.

(2) "Cereals, breakfast" means bulk or packaged cereal items of any size commonly used as breakfast foods, both un-cooked and ready-to-eat types including, but not limited to, bran flakes, farina, popped rice, and rolled oats. Excluded are barley, corn meal, corn grits, hominy grits and flakes, rice, wheat bran flour, wheat germ, and dry baby cereals. Also excluded are cereals mixed or coated with a confection, in the proportion of two thirds or more confection to one third cereal by weight.

[Subparagraph (2) amended by Am. 18, effective 5–25–44]

(3) "Cocoa, chocolate and cereal-drink preparations" includes, but is not limited to, coffee substitutes or extenders, chicory, malted milk preparations containing less than 35 percent malted milk, chocolate syrup, chocolate bits, cooking chocolate, and packaged powdered skim milk (spray process). Excluded are chocolate confections, bittersweet bars, milk chocolate, powdered whole milks, powdered skim milk packaged in tin in an inert gas, malted milk, and any preparation containing 35 percent or more malted milk.

[Subparagraph (3) amended by Am. 2, 8 F.R. 10988, effective 8–5–43; and Am. 7, 8 F.R. 15252, effective 11–24–43]

(4) "Coffee" means roasted coffee, whole or ground, decaffeinated coffee, coffee concentrates, and any mixtures of coffee with other products for beverage purposes.

(5) "Cookies, crackers, toast, and crumbs" includes, but is not limited to, biscuits, Christmas cookies, fig bars, graham crackers, pretzels, rye crackers, zwieback, melba toast, bread crumbs, cracker crumbs, cookies, matzo, matzo meal, and related matzo products. Excluded are bread, pies, cakes, doughnuts, coffee cakes, rolls, candies, Passover matzo, Passover matzo meal, related Passover matzo products, and any bakery products which you manufacture. Also excluded are any items which are bought by you in bulk and sold loose.

[Subparagraph (5) amended by Am. 2, 8 F.R. 10988, effective 8–5–43; and Am. 11, 8 F.R. 17371, effective 1–8–44]

(6) "Corn meal and hominy" means bulk or packaged (in any size) corn meal, corn grits, hominy, hominy grits, hominy flakes, and prepared hominy. Excluded is canned hominy which is in "Vegetables and vegetable juices, canned".

(7) "Dog and cat food" shall not include any item prepared by you for pet food, or any frozen dog or cat food.

(8) "Fish, processed" includes, but is not limited to, canned fish, canned sea food, and salted, pickled, smoked, dried or otherwise processed fish, such as fish cakes, roe, clam juice, and oyster puree. Excluded are fresh or frozen fish, fresh or frozen seafood, frozen food products in which fish or seafood are combined with other ingredients, and caviar.

[Subparagraph (7) and (8) amended by Am. 7, 8 F.R. 15252, effective 11–24–43]

(9) "Flour and flour mixes" means all bulk or packaged (in any size) flour and flour mixes milled from wheat, semolina, farina, corn, rice, buckwheat, and potatoes, including, but not limited to, prepared pancake, cake, biscuit, pie crust and gingerbread mix.

(10) "Fruits, berries, and fruit juices, canned" includes, but is not limited to, apple sauce, apple cider, berry juices, concentrated fruit juices, citrus fruits and juices, cranberry jelly and sauce, fountain fruits, maraschino cherries, fruit nectars, rhubarb, and bulk apple cider and pineapple juice. "Canned" means processed and packed in any container, whether or not hermetically sealed. Excluded are apple butter, fruit butters, jams, jellies, fruit preserves, cocoanut, olives, baby foods, dried fruits, dehydrated fruits, fruit cocktail, pineapple, (except pineapple juice) peaches, pears, and frozen fruits.

[Subparagraph (10) amended by Am. 18, effective 5–25–44]

(11) "Fruit cocktail, pineapple, peaches, and pears (canned) except juices" shall include fruit salad. Excluded are frozen fruits. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

[Subparagraph (11) amended by Am. 18, effective 5–25–44]

(12) "Fruits, dried and dehydrated" (packaged or bulk) includes, but is not limited to, fresh dates, stuffed dried fruits, dried dates and figs, pitted dates, and macerated dates. Excluded are fruit confections, candied or glaced fruits and peels, and date products.

NOTE: The 1943 pack of dried fruits shall be considered a different item from the 1942 pack of dried fruits, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (12) amended by Am. 10, 8 F.R. 15608, effective 11-20-43; and Am. 14, 9 F.R. 3648, effective 4-8-44]

(13) "Frozen foods" means packaged quick-frozen or cold-packed foods sold from refrigerated cabinets or lockers, including, but not limited to all fruits, berries, fruit or berry juices, and mixtures, vegetables, vegetable juices, and mixtures, including mushrooms, dog and cat food not prepared by you for pet food, applesauce, macaroni and spaghetti products, chop suey, gravies, pork-and-beans, soups, food products in which meat, chicken, turkey, fish or seafood are combined with other ingredients, meat stews, and corned beef hash. Excluded are frozen pies and pastries, frozen meat, poultry, fish and seafood, ice cream, sherbet and frozen confections.

NOTE: The 1943 pack of canned fruits and frozen fruits shall be considered different items from the 1942 pack of fruits and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (13) amended by Am. 7, 8 F.R. 15252, effective 11-24-43. Corrected, 8 F.R. 17371, effective 12-23-43]

(14) "Gelatin and pudding mixtures" includes, but is not limited to, gelatin, gelatin desserts, tapioca, arrowroot, consumer ice cream mixes, and rennet.

(15) "Jams, jellies, preserves, honey and peanut butter" includes, but is not limited to, tomato preserves, marmalade, fruit preserves, fruit butters, smooth or crunch-type nut butters, honey butter, and all extracted honey (including combinations of extracted and comb honey) packaged in containers of a capacity of 15 pounds or less. Excluded are cranberry jelly or sauce.

[Subparagraph (15) amended by Am. 14, 9 F.R. 3648, effective 4-8-44]

(16) "Lard, pure" (packaged or bulk) includes, but is not limited to, rendered pork fat. Excluded are lard compounds which are classed as "Shortenings, other".

(17) "Macaroni and spaghetti products" includes, but is not limited to, bows, egg alphabets, macaroni, spaghetti, vermicelli, "sea shells", noodles, macaroni dinners, and spaghetti dinners. Excluded are ravioli, tamales, dry noodle soup mixtures, spaghetti-and-meatballs, chicken-and-noodles, Chinese-style noodles, and frozen macaroni and spaghetti products.

[Subparagraph (17) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(18) "Mayonnaise and salad dressing" includes, but is not limited to, tartar sauce, relish spreads, other mayonnaise spreads, and french dressing. Excluded are olive oil and meat spreads.

(19) "Meat, canned" includes, but is not limited to, canned or glassed chicken and turkey products, chicken-and-noodles, chili con carne, meat spreads, meat gravy, pickled meats, ravioli, spaghetti-and-meatballs, stews, tamales and tripe. Excluded are mincemeat, any canned meat which is removed from the can by the retailer and sold sliced in smaller amounts, frozen food products in which meat, chicken and turkey are combined with other ingredients, frozen meat gravies, and frozen meat stews.

[Subparagraph (19) amended by Am. 7, 8 F.R. 15252, effective 11-24-43]

(20) "Milk, canned" means evaporated or condensed cow milk, including, but not limited to, filled evaporated milk products. Excluded are fresh milk, cream, powdered milks, and goat milk.

(21) "Oils, cooking and salad" means all vegetable, fruit and leaf plant oils, and cooking fats other than shortening. Excluded are prepared dressings, and pure olive oil.

(22) "Oleomargarine" means any product labelled "oleomargarine."

(23) "Pickles and relishes" (packaged or bulk) includes, but is not limited to chow chow, pickled fruits, pickled onions, pickled peppers, pickled relishes, pickled rind, and pickled vegetables. Excluded are mayonnaise-relish spreads, and tartar sauce.

(24) "Rice" (packaged or bulk) means all rice. Excluded are rice flour, rice flakes, popped rice and wild rice.

[Subparagraph (24) amended by Am. 11, 8 F.R. 17371, effective 1-8-44]

(25) "Shortening, hydrogenated" means all fully hydrogenated shortenings.

(26) "Shortening, other" means shortenings other than fully hydrogenated shortening. Excluded are butter, lard, oleomargarine, and suet.

(27) "Soups, canned" includes all soups, broths and chowder. Excluded are meat stews, "baby" or "junior" soups, dehydrated soups, and frozen soups.

NOTE: The 1943 pack of canned vegetable soups shall be considered a different item from the 1942 pack of canned vegetable soups, and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (27) amended by Am. 1, 8 F.R. 10570, effective 8-5-43; and Am. 7, 8 F.R. 15252, effective 11-24-43. Corrected, 8 F.R. 17371, effective 12-23-43]

(28) "Soups, dehydrated" means dry mixtures sold for soup-making, including, but not limited to, bouillon concentrates, and dry noodle soup mixtures. Excluded are other macaroni or noodle products, lentils, and dried peas.

(29) "Spices" includes, but is not limited to, bayleaves, caraway seed, dried peppers, dry chili, celery seed, celery salt, celery flakes, chili powder, garlic, garlic salt, dry mustard, onion salt, onion flakes, poultry seasoning, poppy seed, seasoned salt, sesame seed, thyme, and cream of tartar. Excluded are table salt, spice oils, and candied ginger.

(30) "Sugar" means all bulk or packaged cane or beet sugar, including cinnamon sugar.

(31) "Syrups" means all malt, molasses, cane, maple, and corn syrups, and imitations or blends. Excluded are chocolate and ice cream sundae syrups, fruit syrups for making beverages, molasses sold for feed purposes, and sorghum syrup.

[Subparagraph (31) amended by Am. 11, 8 F.R. 17371, effective 1-8-44]

(32) "Tea" includes all bulk or packaged tea, tea bags, and matte.

(33) "Vegetables and vegetable juices, canned" includes, but is not limited to, blackeye, crowder, cream and field peas, baked beans, sauerkraut, chili sauce, cocktail sauce, canned hominy, mushrooms, mushroom sauce, tomato catsup, tomato paste, tomato puree, pimientos, and Chinese-style foods including soy sauce and brown sauce. "Canned" means processed and packaged in any container, whether or not hermetically sealed. Excluded are vegetable soups, "baby" or "junior" foods, pickles, corn, green and wax beans, peas (except canned blackeye, crowder, cream and field peas), tomatoes, tomato juice, and frozen vegetables.

[Subparagraph (33) amended by Am. 10, 8 F.R. 15608, effective 11-20-43]

(34) "Corn, green and wax beans, peas, tomatoes, and tomato juice (canned)." Excluded are frozen vegetables and canned blackeye, crowder, cream and field peas. "Canned" means processed and packaged in any container, whether or not hermetically sealed.

NOTE: The 1943 pack of canned vegetables and frozen vegetables shall be considered different items from the 1942 pack of vegetables and you must figure separate ceiling prices for each item of the 1943 pack.

[Subparagraph (34) amended by Am. 10, 8 F.R. 15608, effective 11-20-43]

(35) "Vegetables, dried and dehydrated" (packaged or bulk) includes, but is not limited to, dried beans, blackeye peas, dried mushrooms, dried peas, and lentils. Excluded are dry soup mixes, hominy, garlic, celery flakes, onion flakes, dried chili, and dried peppers.

(36) "Vinegar" (bottled or bulk) includes, but is not limited to, pure cider vinegar, distilled vinegar, malt vinegar, wine vinegar, and tarragon vinegar.

(37) "Miscellaneous foods" shall include all other dry grocery items except those specifically excluded in paragraph (c) of this section. Among the items included under this heading are the following:

Baking powder
Baking soda
Barley (pearl)
Caviar
Cocoanut, shredded, desiccated, or moist
Cookies, crackers, toast, and crumbs bought by you in bulk and sold loose.
Corn starch, edible or gloss, packaged in containers of ten pounds or less (excluded are powdered prepared laundry starching compounds).
Date products
Egg nog (non-alcoholic), bottled
Extracts
Flavorings
Food colorings
Fruit pectins
Fruit syrups for making beverages
Glaced or candied fruits and peels
Goat milk, canned
Ice cream sundae syrups (except chocolate)
Meat flavorings
Meat sauces, except catsup, cocktail sauce, and chili sauce.

Mincemeat
Mustard, prepared
Olives
Olive oil, pure (packaged in containers of a capacity of one gallon or less).
Pie filling
Popcorn (whether or not popped)
Potatoes, Julienne, packed in hermetically sealed containers.
Potatoes, shoestring, packed in hermetically sealed containers.
Pudding, date
Pudding, fig
Pudding, plum
Salt, table, packaged in cartons, bags or pockets containing 100 pounds or less, Kosher salt in cartons, and salt packaged in containers of 10 pounds or less and labeled by the manufacturer as ice cream salt (excluded are onion, celery or garlic salt, and meat-curing or smoked salt)
Spice oils.
Tom and Jerry batter, bottled.
Yeast.

[Subparagraph (37) amended by Am. 1, 8 F.R. 10570, effective 8–5–43; Am. 2, 8 F.R. 10988, effective 8–5–43; Am. 7, 8 F.R. 15252, effective 11–24–43; Am. 11, 8 F.R. 17371, effective 1–8–44; Am. 14, 9 F.R. 3648, effective 4–8–44; and Am. 18, effective 5–25–44]

(c) *Commodities not included in this regulation.* Excluded from this regulation are:

Baked beans, prepared by the retailer.
Baked goods, fresh (except cookies, crackers, toast and crumbs).
Beer.
Bird seed and gravel.
Bread.
Buttermilk, fresh.
Candied ginger.
Candy.

[2 items deleted by Am. 18, effective 5–25–44]

Comb honey.
Corn starch, edible or gloss (packaged in containers of more than ten pounds).
Corn sugar.
Cream.
Dry baby cereals.
Feed, animal or poultry (other than pet food).
Fresh fruits and vegetables (except as included in Table B).
Fruit cake.
Fruit and vegetable powders for making beverages.
Ice cream cones.
Ice cream, sherbets, and frozen confections.
Laundry starching compounds, powdered prepared.
Liquors.
Malted milk and any preparation containing 35% or more malted milk.
Maple sugar.
Meat and fish (except "Fish, processed", "Frozen fish and seafood", and "Meat, canned).
Milk, fresh.
Whole milk, powdered, and powdered skim milk packaged in tin in an inert gas.
Mineral oil.
Nuts.
Olive oil, pure (packaged in containers of a capacity of more than one gallon).
Passover matzo, Passover matzo meal, and related Passover matzo products.
Peanuts.
Pet foods (except cat and dog foods or any frozen cat and dog foods).
Potato chips.
Salads and relishes prepared by the retailer.
Soft drinks.
Sorghum syrup.
Tamales, bulk.
Tortillas.
Vitamin concentrates.
Wheat germ.
Wild rice.
Wine.

[Paragraph (c) amended by Am. 1, 8 F.R. 10570, effective 8–5–43; Am. 2, 8 F.R. 10988, effective 8–5–43; Am. 6, 8 F.R. 13294, effective 10–4–43; Am. 7, 8 F.R. 15252, effective 11–24–43; Am. 11, 8 F.R. 17371, effective 1–8–44; Am. 14, 9 F.R. 3648, effective 4–8–44; and Am. 18, effective 5–25–44]

SEC. 28. *Table of mark-ups for "perishables" (Table B)—(a) Table B: Mark-ups over "net cost" allowed to Group 1 and Group 2 retailers for perishables covered by this regulation by commodities.*

TABLE B—MARK-UPS OVER "NET COST" ALLOWED TO GROUP 1 AND GROUP 2 RETAILERS FOR PERISHABLES COVERED BY THIS REGULATION BY COMMODITIES

I. Food commodities	Allowed mark-ups over net cost: Independent retailers with annual volumes: Group 1. Under $50,000	Group 2. $50,000 but less than $250,000	"Selling unit" in which ceiling price must be calculated
	Percent	*Percent*	
(1) Dairy products:			
Butter	10	10	1 pound.
Cheese	27	27	1 pound or 1 package.
Eggs, shell	17	15	1 dozen.
(2) Fresh fruits:			
Apples	33	33	2 pounds.
Bananas, bought on the stem	43	43	1 pound.
Bananas, bought in hands	34	34	1 pound.
Berries	34	34	1 quart, 1 pint or 1 pound.
Citrus fruits	39	39	1 dozen or 5 pounds (grapefruit, 1 grapefruit or 1 pound).
Grapes	40	40	1 pound.
Red sour cherries	34	34	1 quart or 1 pound.
(3) Fresh vegetables:			
Cabbage	40	40	2 pounds.
Lettuce	40	40	1 head or 1 pound.
Onions, dry	40	40	3 pounds.
Potatoes, sweet	40	40	2 pounds.
Potatoes, white	33	30	5 pounds.
Tomatoes	40	40	1 pound or 1 package.
(4) Poultry:			
Poultry (except turkey) sold as purchased: Bought live and sold live, bought dressed and sold dressed, bought drawn and sold drawn, bought frozen and sold frozen, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought split or cut-up and sold split or cut-up (boxed and other pack).	21	21	1 pound.
Poultry (including turkey) bought live and sold dressed weight basis. (Multiply live cost per pound by applicable figure in table. This establishes selling price per pound, dressed weight.)	28	28	1 pound.
Turkey bought live and sold live	21	21	1 pound.
Turkey bought dressed and sold dressed, bought kosher-killed and sold kosher-killed, bought kosher dressed and plucked and sold kosher dressed and plucked, bought drawn and sold drawn, bought frozen and sold frozen, bought split and sold split, bought cut-up and sold cut-up (boxed and other pack).	17	17	1 pound.
(5) Fish: Frozen fish and seafood	28	28	1 pound.

II. Food commodities	Allowed dollars-and-cents mark-ups per "selling unit": Independent retailers with annual volumes: Group 1. Under $50,000	Group 2. $50,000 but less than $250,000	"Selling unit" in which ceiling price must be calculated
	Dollars-and-cents	*Dollars-and-cents*	
(1) Dairy products:			
(2) Fresh fruits: Coconuts	$0.020	$0.020	1 pound.
(3) Fresh vegetables:			
Beans, green and wax	$0.04½	$0.04½	1 pound.
Carrots, bunched	$0.02½	$0.02½	1 bunch.
Carrots, other than bunched	$0.020	$0.020	1 pound.
Cucumbers, except hothouse cucumbers	$0.02½	$0.02½	1 pound.
Eggplant	$0.03½	$0.03½	1 pound.
Peas, green	$0.05½	$0.05½	1 pound.
Spinach	$0.03½	$0.03½	1 pound.
(4) Poultry:			
(5) Fish:			

[Table B amended by Am. 1, 8 F.R. 10570, effective 8–5–43; Am. 3, 8 F.R. 12443, effective 9–16–43; Am. 6, 8 F.R. 13294, effective 10–4–43; Am. 8, 8 F.R. 14854, effective 11–4–43; Am. 11, 8 F.R. 17371, effective 1–8–44; and Am. 16, 9 F.R. 4217, effective 4–27–44]

(b) *Commodity definitions.* These definitions apply to both domestic and imported items.

(1) *Dairy products.* "Butter" (packaged or bulk) means only butter from milk, including, but not limited to, processed, salted, unsalted, and whipped butter. Excluded are peanut, nut, fruit or honey butters.

[Above definition amended by Am. 14, 9 F.R. 3648, effective 4–8–44]

"Cheese" shall include all bulk or packaged cheese and products composed of more than fifty per cent cheese.

"Eggs, shell" means chicken eggs sold for human consumption. Ceiling prices shall be figured for each grade and size (or weight class) of eggs, and the grade and size (or weight class) shall be posted separately with the selling price, except that "ungraded eggs" are to be designated only as "ungraded eggs". Eggs shall be sold at retail only in the retail grades and sizes (or weight classes) specified in Maximum Price Regulation No. 333, or as "ungraded eggs" which may contain no inedible eggs.

[Above definition amended by Am. 1, 8 F.R. 10570, effective 8–5–43]

(2) *Fresh fruits.* "Fresh fruits" means all the fresh fruits listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, or crating, shall not be considered processing.

"Apples" means all varieties of fresh apples including, but not limited to, Baldwin, Delicious, Grimes Golden, Winesap, Northern Spy, York Imperial, McIntosh, and Rome Beauty. Each variety shall be considered a separate item and priced separately.

"Bananas." Bananas, from different countries of origin such as, but not limited to, Costa Rica, Honduras, Guatemala, and Mexico, shall be considered different "kinds" of bananas, and must be priced separately. "Bananas, bought in hands," means those which have been sold after being cut away from the stem.

"Berries" means blackberries, boysenberries, gooseberries, loganberries, black raspberries, red raspberries, strawberries and youngberries. Each of these eight kinds of berries shall be treated as a separate item and priced separately. Whenever fresh berries are sold in quarts or pints, they must have a minimum net weight of 20 ounces per quart or 10 ounces per pint. If you purchase berries on the basis of a price per pound and sell them in pints or quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart, and by 10/16 to figure your "net cost" per pint.

[Above definition amended by Am. 17, 9 F.R. 4434, effective 4–27–44.]

"Citrus fruits" means all fresh citrus fruits including, but not limited to, oranges, lemons, limes, grapefruit and tangerines. Separate ceiling prices shall be figured for each variety, each size, and for fruit from different areas. Varieties shall be oranges, lemons, limes, temple oranges, tangerines (including tangelos), white seeded grapefruit, pink seeded grapefruit, white seedless grapefruit, pink seedless grapefruit, and ruby red grapefruit. Different areas are California, Arizona, Texas, Indian River Citrus Area of Florida, and the rest of the State of Florida.

"Coconuts" means all fresh whole coconuts, imported and domestic. Coconuts in husks and coconuts in shells shall be considered separate items and priced separately. "Coconuts in husks" mean the fruit of the coco palm enclosed in thick, fibrous outer coats commonly called husks. "Coconuts in shells" means the fruit of the coco palm with the outer husks removed.

"Grapes" means all varieties of fresh grapes including, but not limited to, Alicante, Almeria, Concord, Emperor, Red Malaga, White Malaga, Ribier, Thompson Seedless, Tokay and Zinfandel. Each variety shall be considered a separate item and priced separately.

"Red sour cherries." All red sour cherries shall be considered one item. When you sell red sour cherries by the quart, they must have a minimum net weight of 20 ounces per quart. When you purchase red sour cherries on the basis of a price per pound and sell them in quarts, you must multiply your cost per pound by 20/16 to figure your "net cost" per quart.

[Subparagraph (2) amended by Am. 1, 8 F.R. 10570, effective 8–5–43; Am. 3, 8 F.R. 12443, effective 9–16–43; Am. 9, 8 F.R. 15587, effective 11–19–43; and Am. 16, 9 F.R. 4217, effective 4–27–44 and as otherwise noted]

(3) *Fresh vegetables.* "Fresh vegetables" means all the fresh vegetables listed, packed or in bulk, which have not been frozen, dried, canned or otherwise processed. Wrapping, dipping, washing, shelling, shall not be considered processing.

"Beans, green and wax" means all varieties of green and wax beans, but shall not include limas and English, Fava, and Italian broad beans. Green beans and wax beans shall be considered separate items and priced separately.

"Cabbage" means all solid headed cabbage, including Red and Savoy. Excluded are Chinese cabbage, collards, cauliflower, and brussels sprouts. Red cabbage shall be considered as a separate item and priced separately.

"Carrots, bunched" means all fresh carrots with tops, bought and sold in bunches weighing not less than one pound. California and similar quality bunched carrots shall be considered a separate item.

"Carrots, other than bunched" means clipped carrots (carrots with tops not more than 4 inches long), topped carrots (carrots without tops), and all other carrots including bunches weighing less than one pound. Separate ceiling prices shall be figured for each kind. Kinds of "carrots, other than bunched" shall be clipped carrots, topped carrots and all other carrots.

"Cucumbers" means all types and varieties of cucumbers. Field-grown cucumbers and gherkins shall be considered separate items and priced separately. Excluded are hothouse cucumbers.

"Eggplants" means all varieties of eggplants. All eggplants shall be considered a single item and priced as such.

"Lettuce" means all head or leaf lettuce, including, but not limited to, Iceberg, Big Boston and Romaine. Excluded are escarole, chicory, and endive. Head lettuce and leaf lettuce shall be considered separate items and priced separately. California and similar quality Iceberg shall also be considered a separate item.

"Onions, dry" means all dry onions used for human consumption. Each grade and variety shall be considered separate items and priced separately.

"Peas, green" shall not include Chinese peas. California and similar quality peas shall be considered a separate item and shall be priced as such.

"Potatoes, sweet" means all varieties of sweet potatoes. All dry flesh sweet potatoes shall be considered one item, and moist flesh sweet potatoes shall be considered a separate item, and priced separately. Dry flesh sweet potatoes include varieties such as Big Stem Jersey, Little Stem Jersey, and Triumph. Moist flesh sweet potatoes (sometimes called yams) include varieties such as Porto Rico and Nancy Hall.

"Potatoes, white" means all white potatoes used for human consumption or for seed (except foundation stock, certified and war approved seed potatoes). Each grade and variety of white potatoes shall be considered a separate item and priced separately.

"Spinach" means all flat and curly leaf spinach, excluding New Zealand, or other greens. Separate items shall be "washed and packaged" spinach, and all other spinach, and must be priced separately.

"Tomatoes." Hothouse, field-run and packaged tomatoes shall be considered separate items and priced separately.

[Subparagraph (3) added by Am. 16, 9 F.R. 4217, effective 4–27–44. Former subparagraphs (3) and (4) redesignated (4) and (5).]

(4) *Poultry.* "Poultry" means all chickens, ducks, geese and turkeys in any form, excluding "started" poultry sold for breeding purposes, canned poultry and cooked or smoked poultry. Poultry which is drawn by a retailer and poultry which is bought live, dressed or drawn and is sold by the retailer "cut-up" or in parts, shall be priced in accordance with the provisions of section 18 (c). "Frozen poultry" is as defined in Revised Maximum Price Regulation No. 269, except that the first sentence of § 1429.19 (i) (4) (ix) shall not apply. Unless the context otherwise requires, the definitions set forth in §§ 1429.17, 1429.19, 1429.20, and 1429.21 of Revised Maximum Price Regulation No. 269 shall apply to terms used herein wherever applicable.

[Subparagraph (4), formerly (3), amended by Am. 8, 8 F.R. 14854, effective 11–4–43; Am. 11, 8 F.R. 17371, effective 1–8–44; and Am. 13, 9 F.R. 3510, effective 4–6–44.]

(5) *Frozen fish and seafood.* "Frozen fish and seafood" means any fish or seafood which has been artificially frozen or frozen by exposure to the elements for preservation.

SEC. 29. *Table of ceiling prices based on any given "net cost" and mark-up. (Table C)—(a) Table C: Retail ceiling prices obtained by applying any given mark-up to any given net cost.*

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST

ITEMS WITH A "NET COST" OF FROM ½¢ TO 10¢ PER UNIT

Net cost (per unit)	½¢	1¢	1½¢	2¢	2½¢	3¢	3½¢	4¢	4½¢	5¢	5½¢	6¢	6½¢	7¢	7½¢	8¢	8½¢	9¢	9½¢	10¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
7	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
8	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
9	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
10	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11
11	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11
12	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
13	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	10	10	11	11
14	1	2	2	3	3	4	4	5	5	6	6	7	7	8	9	9	10	10	11	11
15	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	12
16	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	10	11	12
17	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11	12
18	1	2	2	3	3	4	4	5	5	6	6	7	7	8	8	9	9	10	11	11	12
19	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
20	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
21	1	2	2	3	3	4	4	5	5	6	7	7	8	8	9	10	10	11	11	12
22	1	2	2	3	3	4	4	5	5	6	7	7	8	9	9	10	10	11	12	12
23	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	10	11	12	12
24	1	2	2	3	3	4	4	5	6	6	7	7	8	9	9	10	11	11	12	12
25	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
26	1	2	2	3	3	4	4	5	6	6	7	8	8	9	9	10	11	11	12	13
27	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	11	12	13
28	1	2	2	3	3	4	4	5	6	6	7	8	8	9	10	10	11	12	12	13
29	1	2	2	3	3	4	5	5	6	6	7	8	8	9	10	10	11	12	12	13
30	1	2	2	3	3	4	5	5	6	7	7	8	8	9	10	10	11	12	12	13
31	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	10	11	12	12	13
32	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
33	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
34	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	13
35	1	2	2	3	3	4	5	5	6	7	7	8	9	9	10	11	11	12	13	14
36	1	2	2	3	3	4	5	5	6	7	7	8	9	10	10	11	12	12	13	14
37	1	2	2	3	3	4	5	5	6	7	8	8	9	10	10	11	12	12	13	14
38	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	12	13	14
39	1	2	2	3	3	4	5	6	6	7	8	8	9	10	10	11	12	13	13	14
40	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
41	1	2	2	3	4	4	5	6	6	7	8	8	9	10	11	11	12	13	13	14
42	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	13	14
43	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	11	12	13	14	14
44	1	2	2	3	4	4	5	6	6	7	8	9	9	10	11	12	12	13	14	14
45	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
46	1	2	2	3	4	4	5	6	7	7	8	9	9	10	11	12	12	13	14	15
47	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	12	13	14	15
48	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
49	1	2	2	3	4	4	5	6	7	7	8	9	10	10	11	12	13	13	14	15
50	1	2	2	3	4	5	5	6	7	8	8	9	10	11	11	12	13	14	14	15

ITEMS WITH A "NET COST" OF FROM 10½¢ TO 18¢ PER UNIT

Net cost (per unit)	10½¢	11¢	11½¢	12¢	12½¢	13¢	13½¢	14¢	14½¢	15¢	15½¢	16¢	16½¢	17¢	17½¢	18¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	11	12	12	13	13	14	14	15	15	16	16	17	17	18	19	19
7	11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19
8	11	12	12	13	14	14	15	15	16	16	17	17	18	18	19	19
9	11	12	13	13	14	14	15	15	16	16	17	17	18	18	19	20
10	12	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20
11	12	12	13	13	14	14	15	16	16	17	17	18	18	19	19	20
12	12	12	13	13	14	15	15	16	16	17	17	18	18	19	20	20
13	12	12	13	14	14	15	15	16	16	17	18	18	19	19	20	20
14	12	13	13	14	14	15	15	16	17	17	18	18	19	19	20	21
15	12	13	13	14	14	15	16	16	17	17	18	18	19	20	20	21
16	12	13	13	14	15	15	16	16	17	17	18	19	19	20	20	21
17	12	13	13	14	15	15	16	16	17	18	18	19	19	20	20	21
18	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
19	12	13	14	14	15	15	16	17	17	18	18	19	19	20	21	21
20	13	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22
21	13	13	14	15	15	16	16	17	18	18	19	19	20	21	21	22
22	13	13	14	15	15	16	16	17	18	18	19	20	20	21	21	22
23	13	14	14	15	15	16	17	17	18	18	19	20	20	21	22	22
24	13	14	14	15	16	16	17	17	18	19	19	20	20	21	22	22
25	13	14	14	15	16	16	17	18	18	19	19	20	21	21	22	23
26	13	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23
27	13	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23
28	13	14	15	15	16	17	17	18	19	19	20	20	21	22	22	23
29	14	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23
30	14	14	15	16	16	17	18	18	19	20	20	21	21	22	23	23
31	14	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24
32	14	15	15	16	17	17	18	18	19	20	20	21	22	22	23	24
33	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
34	14	15	15	16	17	17	18	19	19	20	21	21	22	23	23	24
35	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
36	14	15	16	16	17	18	18	19	20	20	21	22	22	23	24	24
37	14	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25
38	14	15	16	17	17	18	19	19	20	21	21	22	23	23	24	25
39	15	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25
40	15	15	16	17	18	18	19	20	20	21	22	22	23	24	25	25
41	15	16	16	17	18	18	19	20	20	21	22	23	23	24	25	25
42	15	16	16	17	18	18	19	20	21	21	22	23	23	24	25	26
43	15	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26
44	15	16	17	17	18	19	19	20	21	22	22	23	24	24	25	26
45	15	16	17	17	18	19	20	20	21	22	22	23	24	25	25	26
46	15	16	17	18	18	19	20	20	21	22	23	23	24	25	26	26
47	15	16	17	18	18	19	20	21	21	22	23	24	24	25	26	26
48	16	16	17	18	19	19	20	21	21	22	23	24	24	25	26	27
49	16	16	17	18	19	19	20	21	22	22	23	24	25	25	26	27
50	16	17	17	18	19	20	20	21	22	23	23	24	25	26	26	27

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 18½¢ TO 26¢ PER UNIT

Net cost (per unit)	18½¢	19¢	19½¢	20¢	20½¢	21¢	21½¢	22¢	22½¢	23¢	23½¢	24¢	24½¢	25¢	25½¢	26¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	20	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28
7	20	20	21	21	22	22	23	24	24	25	25	26	26	27	27	28
8	20	21	21	22	22	23	23	24	24	25	25	26	26	27	28	28
9	20	21	21	22	22	23	23	24	25	25	26	26	27	27	28	28
10	20	21	21	22	23	23	24	24	25	25	26	26	27	28	28	29
11	21	21	22	22	23	23	24	24	25	26	26	27	27	28	28	29
12	21	21	22	22	23	24	24	25	25	26	26	27	27	28	29	29
13	21	21	22	23	23	24	24	25	25	26	27	27	28	28	29	29
14	21	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30
15	21	22	22	23	24	24	25	25	26	26	27	28	28	29	29	30
16	21	22	23	23	24	24	25	26	26	27	27	28	28	29	30	30
17	22	22	23	23	24	25	25	26	26	27	27	28	29	29	30	30
18	22	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31
19	22	23	23	24	24	25	26	26	27	27	28	29	29	30	30	31
20	22	23	23	24	25	25	26	26	27	28	28	29	29	30	31	31
21	22	23	24	24	25	25	26	27	27	28	28	29	30	30	31	31
22	23	23	24	24	25	26	26	27	27	28	29	29	30	31	31	32
23	23	23	24	25	25	26	26	27	28	28	29	30	30	31	31	32
24	23	24	24	25	25	26	27	27	28	29	29	30	30	31	32	32
25	23	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33
26	23	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33
27	23	24	25	25	26	27	27	28	29	29	30	30	31	32	32	33
28	24	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33
29	24	25	25	26	26	27	28	28	29	30	30	31	32	32	33	34
30	24	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34
31	24	25	26	26	27	28	28	29	29	30	31	31	32	33	33	34
32	24	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34
33	25	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35
34	25	25	26	27	27	28	29	29	30	31	31	32	33	34	34	35
35	25	26	26	27	28	28	29	30	30	31	32	32	33	34	34	36
36	25	26	27	27	28	29	29	30	31	31	32	33	33	34	35	35
37	25	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36
38	26	26	27	28	28	29	30	30	31	32	32	33	34	35	35	36
39	26	26	27	28	28	29	30	31	31	32	33	33	34	35	35	36
40	26	27	27	28	29	29	30	31	32	32	33	34	34	35	36	36
41	26	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37
42	26	27	28	28	29	30	31	31	32	33	33	34	35	36	36	37
43	26	27	28	29	29	30	31	31	32	33	34	34	35	36	36	37
44	27	27	28	29	30	30	31	32	32	33	34	35	35	36	37	37
45	27	28	28	29	30	30	31	32	33	33	34	35	36	36	37	38
46	27	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38
47	27	28	29	29	30	31	32	32	33	34	35	35	36	37	37	38
48	27	28	29	30	30	31	32	33	33	34	35	36	36	37	38	38
49	28	28	29	30	31	31	32	33	34	34	35	36	37	37	38	39
50	28	29	29	30	31	32	32	33	34	35	35	36	37	38	38	39

ITEMS WITH A "NET COST" OF FROM 26½¢ TO 34¢ PER UNIT

Net cost (per unit)	26½¢	27¢	27½¢	28¢	28½¢	29¢	29½¢	30¢	30½¢	31¢	31½¢	32¢	32½¢	33¢	33½¢	34¢
Mark-up (percent):	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*	*Cents*
6	28	29	29	30	30	31	31	32	32	33	33	34	34	35	36	36
7	28	29	29	30	30	31	32	32	33	33	34	34	35	35	36	36
8	29	29	30	30	31	31	32	32	33	33	34	35	35	36	36	37
9	29	29	30	31	31	32	32	33	33	34	34	35	35	36	37	37
10	29	30	30	31	31	32	32	33	34	34	35	35	36	36	37	37
11	29	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38
12	30	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38
13	30	31	31	32	32	33	33	34	34	35	36	36	37	37	38	38
14	30	31	31	32	32	33	34	34	35	35	36	36	37	38	38	39
15	30	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39
16	31	31	32	32	33	34	34	35	35	36	37	37	38	38	39	39
17	31	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40
18	31	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40
19	32	32	33	33	34	35	35	36	36	37	37	38	39	39	40	40
20	32	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41
21	32	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41
22	32	33	34	34	35	35	36	37	37	38	38	39	40	40	41	41
23	33	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42
24	33	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42
25	33	34	34	35	36	36	37	38	38	39	39	40	41	41	42	42
26	33	34	35	35	36	37	37	38	38	39	40	40	41	42	42	43
27	34	34	35	36	36	37	37	38	39	39	40	41	41	42	43	43
28	34	35	35	36	36	37	38	38	39	40	40	41	42	42	43	44
29	34	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44
30	34	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44
31	35	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45
32	35	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45
33	35	36	37	37	38	39	39	40	41	41	42	43	43	44	45	45
34	36	36	37	38	38	39	40	40	41	42	42	43	44	44	45	46
35	36	36	37	38	38	39	40	41	41	42	43	43	44	45	45	46
36	36	37	37	38	39	39	40	41	41	42	43	44	44	45	46	46
37	36	37	38	38	39	40	40	41	42	42	43	44	45	45	46	47
38	37	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47
39	37	38	38	39	40	40	41	42	42	43	44	44	45	46	47	47
40	37	38	39	39	40	41	41	42	43	43	44	45	46	46	47	48
41	37	38	39	39	40	41	42	42	43	44	44	45	46	47	47	48
42	38	38	39	40	40	41	42	43	43	44	45	45	46	47	48	48
43	38	39	39	40	41	41	42	43	44	44	45	46	46	47	48	49
44	38	39	40	40	41	42	42	43	44	45	45	46	47	48	48	49
45	38	39	40	41	41	42	43	44	44	45	46	46	47	48	49	49
46	39	39	40	41	42	42	43	44	45	45	46	47	47	48	49	50
47	39	40	40	41	42	43	43	44	45	46	46	47	48	49	49	50
48	39	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50
49	39	40	41	42	42	43	44	45	45	46	47	48	48	49	50	51
50	40	41	41	42	43	44	44	45	46	47	47	48	49	50	50	51

TABLE C—RETAIL CEILING PRICES OBTAINED BY APPLYING ANY GIVEN MARK-UP TO ANY GIVEN NET COST—Continued

ITEMS WITH A "NET COST" OF FROM 34½¢ TO 42¢ PER UNIT

Net cost (per unit)	34½¢	35¢	35½¢	36¢	36½¢	37¢	37½¢	38¢	38½¢	39¢	39½¢	40¢	40½¢	41¢	41½¢	42¢
Markup (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	37	37	38	38	39	39	40	40	41	41	42	42	43	43	44	45
7	37	37	38	39	39	40	40	41	41	42	42	43	43	44	44	45
8	37	38	38	39	39	40	41	41	42	42	43	43	44	44	45	45
9	38	38	39	39	40	40	41	41	42	43	43	44	44	45	45	46
10	38	39	39	40	40	41	41	42	42	43	43	44	45	45	46	46
11	38	39	39	40	41	41	42	42	43	43	44	44	45	46	46	47
12	39	39	40	40	41	41	42	43	43	44	44	45	45	46	46	47
13	39	40	40	41	41	42	42	43	44	44	45	45	46	46	47	47
14	39	40	40	41	42	42	43	43	44	44	45	46	46	47	47	48
15	40	40	41	41	42	43	43	44	44	45	45	46	47	47	48	48
16	40	41	41	42	42	43	44	44	45	45	46	46	47	48	48	49
17	40	41	42	42	43	43	44	44	45	46	46	47	47	48	49	49
18	41	41	42	42	43	44	44	45	45	46	47	47	48	48	49	50
19	41	42	42	43	43	44	45	45	46	46	47	48	48	49	49	50
20	41	42	43	43	44	44	45	46	46	47	47	48	49	49	50	50
21	42	42	43	44	44	45	45	46	47	47	48	48	49	50	50	51
22	42	43	43	44	45	45	46	46	47	48	48	49	49	50	51	51
23	42	43	44	44	45	46	46	47	47	48	49	49	50	50	51	52
24	43	43	44	45	45	46	47	47	48	48	49	50	50	51	51	52
25	43	44	44	45	46	46	47	48	48	49	49	50	51	51	52	53
26	43	44	45	45	46	47	47	48	49	49	50	50	51	52	52	53
27	44	44	45	46	46	47	48	48	49	50	50	51	51	52	53	53
28	44	45	45	46	47	47	48	49	49	50	51	51	52	52	53	54
29	45	45	46	46	47	48	48	49	50	50	51	52	52	53	54	54
30	45	46	46	47	47	48	49	49	50	51	51	52	53	53	54	55
31	45	46	47	47	48	48	49	50	50	51	52	52	53	54	54	55
32	46	46	47	48	48	49	50	50	51	51	52	53	53	54	55	55
33	46	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56
34	46	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56
35	47	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57
36	47	48	48	49	50	50	51	52	52	53	54	54	55	56	56	57
37	47	48	49	49	50	51	51	52	53	53	54	55	55	56	57	58
38	48	48	49	50	50	51	52	52	53	54	55	55	56	57	57	58
39	48	49	49	50	51	51	52	53	54	54	55	56	56	57	58	58
40	48	49	50	50	51	52	53	53	54	55	55	56	57	57	58	59
41	49	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59
42	49	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60
43	49	50	51	51	52	53	54	54	55	56	56	57	58	59	59	60
44	50	50	51	52	53	53	54	55	55	56	57	58	58	59	60	60
45	50	51	51	52	53	54	54	55	56	57	57	58	59	59	60	61
46	50	51	52	53	53	54	55	55	56	57	58	58	59	60	61	61
47	51	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62
48	51	52	53	53	54	55	56	56	57	58	58	59	60	61	61	62
49	51	52	53	54	54	55	56	57	57	58	59	60	60	61	62	63
50	52	53	53	54	55	56	56	57	58	59	59	60	61	62	62	63

ITEMS WITH A "NET COST" OF FROM 42½¢ TO 50¢ PER UNIT

Net cost (per unit)	42½¢	43¢	43½¢	44¢	44½¢	45¢	45½¢	46¢	46½¢	47¢	47½¢	48¢	48½¢	49¢	49½¢	50¢
Mark-up (percent):	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents	Cents
6	45	46	46	47	47	48	48	49	49	50	50	51	51	52	52	53
7	45	46	47	47	48	48	49	49	50	50	51	51	52	52	53	54
8	46	46	47	48	48	49	49	50	50	51	51	52	52	53	53	54
9	46	47	47	48	49	49	50	50	51	51	52	52	53	53	54	55
10	47	47	48	48	49	50	50	51	51	52	52	53	53	54	54	55
11	47	48	48	49	49	50	51	51	52	52	53	53	54	54	55	56
12	48	48	49	49	50	50	51	52	52	53	53	54	54	55	55	56
13	48	49	49	50	50	51	51	52	53	53	54	54	55	55	56	57
14	48	49	50	50	51	51	52	52	53	54	54	55	55	56	56	57
15	49	49	50	51	51	52	52	53	53	54	55	55	56	56	57	58
16	49	50	50	51	52	52	53	53	54	55	55	56	56	57	57	58
17	50	50	51	51	52	53	53	54	54	55	56	56	57	57	58	59
18	50	51	51	52	53	53	54	54	55	55	56	57	57	58	58	59
19	51	51	52	52	53	54	54	55	55	56	57	57	58	58	59	60
20	51	52	52	53	53	54	55	55	56	56	57	58	58	59	59	60
21	51	52	53	53	54	54	55	56	56	57	57	58	59	59	60	61
22	52	52	53	54	54	55	56	56	57	57	58	59	59	60	60	61
23	52	53	54	54	55	55	56	57	57	58	58	59	60	60	61	62
24	53	53	54	55	55	56	56	57	58	58	59	59	60	61	61	62
25	53	54	54	55	56	56	57	58	58	59	59	60	61	61	62	63
26	54	54	55	55	56	57	57	58	59	59	60	60	61	62	62	63
27	54	55	55	56	57	57	58	58	59	60	60	61	62	62	63	64
28	54	55	56	56	57	58	58	59	60	60	61	61	62	63	63	64
29	55	55	56	57	57	58	59	59	60	61	61	62	63	63	64	65
30	55	56	57	57	58	59	59	60	60	61	62	62	63	64	64	65
31	56	56	57	58	58	59	60	60	61	62	62	63	64	64	65	66
32	56	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66
33	57	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67
34	57	58	58	59	60	60	61	62	62	63	64	64	65	66	66	67
35	57	58	59	59	60	61	61	62	63	63	64	65	65	66	67	68
36	58	58	59	60	61	61	62	63	63	64	65	65	66	67	67	68
37	58	59	60	60	61	62	62	63	64	64	65	66	66	67	68	69
38	59	59	60	61	61	62	63	63	64	65	66	66	67	68	68	69
39	59	60	60	61	62	63	63	64	65	65	66	67	67	68	69	70
40	60	60	61	62	62	63	64	64	65	66	67	67	68	69	69	70
41	60	61	61	62	63	63	64	65	66	66	67	68	68	69	70	71
42	60	61	62	62	63	64	65	65	66	67	67	68	69	69	70	71
43	61	61	62	63	64	64	65	66	66	67	68	69	69	70	71	72
44	61	62	63	63	64	65	66	66	67	68	68	69	70	70	71	72
45	62	62	63	64	65	65	66	67	67	68	69	69	70	71	72	73
46	62	63	64	64	65	66	66	67	68	69	69	70	71	72	72	73
47	62	63	64	65	65	66	67	68	68	69	70	70	71	71	72	73
48	63	64	64	65	66	67	67	68	69	70	70	71	72	72	73	74
49	63	64	65	66	66	67	68	69	69	70	71	71	72	73	74	74
50	64	65	65	66	67	68	68	69	70	71	71	72	73	74	74	75

(b) *Instructions for use of Table A, Table B, and Table C.* Tables A and B contain the mark-ups for all commodities in this regulation. Note that some mark-ups are percentage mark-ups and some are dollars-and-cents mark-ups. Table C is included to assist you in determining ceiling prices without burdensome calculations, where the mark-up given is a percentage mark-up.

Table A lists by commodity groups the "dry groceries" covered by this regulation and the mark-ups to be used by Group 1 and Group 2 retailers in figuring their ceiling prices. Table B gives the same information for "perishables." However, in addition, Table B also lists the selling units, on the basis of which retailers must figure their net costs and ceiling prices for "perishables". For a detailed list of the items in each commodity group, see "Commodity definitions of dry groceries" printed immediately after Table A, and "Commodity definitions of perishables" printed immediately after Table B. After you have determined your "net cost" for an item in accordance with the method set up in this regulation, find your proper mark-up in the commodity group which includes the item you are pricing. Commodity groups are listed at the left of Table A and Table B. Directly opposite each commodity group you will find either a percentage mark-up or a dollars-and-cents mark-up for your group of retailers.

If a percentage mark-up is shown, you get your ceiling price for the item by turning to Table C, which shows the ceiling price for all items with per unit net costs ranging from ½¢ to 50¢. Percentage mark-ups over net costs are listed in the column at the extreme left of Table C, and "net cost" across the top of the table. "Net cost per unit" means, in the case of dry groceries, the "net cost" of a single unit (one can, one jar, etc.). For perishables, it means the "net cost" of the selling unit listed in the last column of Table B.

To determine your ceiling price from Table C, find your net cost at the top of the table. Go down that column until you come to the figure (in that column) on the same line as your mark-up. The figure at that point is your ceiling price for the item.

If your net cost per unit is more than 50¢, you cannot use Table C to get your ceiling price. In those cases, you must (1) multiply your net cost by your percentage mark-up, (2) add the result to your net cost, and (3) round the sum to the nearest whole cent. For perishables, your net cost must be in terms of the selling unit specified in Table B.

If the mark-up specified for an item is a dollars-and-cents mark-up, you cannot use Table C to get your ceiling price. In those cases, you simply add the stated amount of mark-up to your "net cost". If your ceiling price so figured results in a fraction of a cent, you may, in making sales of the "selling unit", charge the next higher cent.

Example 1. A Group 1 retailer wishes to figure a new ceiling price for "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack. Section 3 requires a Group 1 or 2 retailer to keep his present ceiling price for a "dry grocery" item until he puts into effect a new ceiling price for the item based on the first delivery of the item to him after August 5, 1943. This new ceiling price must be put into effect not later than 5 days after receiving such delivery. In figuring this new ceiling price, his "net cost" must be based on a purchase of a customary quantity from a customary type of supplier delivered to his "usual receiving point" by a customary means of delivery. Therefore, if on August 7, 1943, a Group 1 retailer receives at his usual receiving point 5 cases of "xx" Brand, No. 2 can, golden bantam cream style corn, 1942 pack, which he has purchased from a wholesaler (his customary type of supplier), at a delivered cost of $2.37 a case (24 cans) he must under Sections 3 and 4 figure and put into effect a new ceiling price for the item by August 12, 1943. This is the first delivery of a customary quantity of the item he has received since August 5, 1943 (from his customary type of supplier delivered to his usual receiving point by a customary means of delivery). He must first figure, to the nearest half-cent, his "net cost" on a single unit basis, Sec. 4 (b) (2), that is, for a single can. He therefore divides the cost for the case, $2.37, by the number of single units in the case, 24, and gets a result of $0.0987, before rounding. Rounding to the nearest half-cent, this becomes $0.10. (If the figure had been $0.0967 before rounding, he would have rounded to $0.095.)

He then turns to Table A to find the mark-up to be applied to his net cost. Going down the column at the left of Table A he will find a listing of the commodity group which includes the item he is pricing. For canned corn, this group is "Corn, green and wax beans, peas, tomatoes, and tomato juice, canned". Going across the page on that line, he will find his mark-up for the item in the column for Group 1 retailers. In this case his mark-up is 25%. Having his mark-up and net cost, Table C will give him his ceiling price without further computations. Checking across the top of Table C, he will find a column headed by his net cost, $0.10. Going down this $0.10 column until he comes to the figure on the same line as the 25% mark-up listed in the column at the extreme left of Table C, he will find his ceiling price for the item to be 13¢ per can.

Example 2. A Group 1 retailer wishes to figure a ceiling price for round white potatoes to use during the period August 19, 1943, (Thursday) to August 26, 1943, (Wednesday) inclusive. He must first find the net cost of his selling unit based on his largest purchase during the seven days preceding Thursday, August 19. During the preceding week he made a purchase of 3 bags of 100 pounds each of white round U. S. No. 1 potatoes at a delivered cost of $4.12 per bag, and another purchase of the same item of 1 bag at a delivered cost of $4.33 per bag. His largest purchase, therefore, was the purchase of the 3 bags. He must figure his net cost on the basis of the selling unit listed in Table B, which for potatoes is 5 pounds. He divides his net cost per 100 pound bag in his largest purchase, $4.12, by 100 to get a result of $0.0412, which would be his net cost per pound. Multiplying this by 5 he gets, before rounding, a figure of $0.2060, his cost for 5 pounds. Since net cost is to be figured to the nearest half-cent, he would then round this figure to $.205. Having his net cost and his mark-up (obtained from Table B) he finds his ceiling price in Table C the same way as he did in example (1) above. Going to Table C, he will find that 27 cents is the ceiling price for an item with a net cost of $.205 and a mark-up of 33 percent.

Example 3. A Group 1 retailer wishes to figure his ceiling price for California green peas for the period May 4th through May 10th. His largest purchase during the preceding week was a purchase of ten bushel baskets at $4.45 per basket. His selling unit for peas, given in Table B, is 1 pound. He therefore divides his cost per basket ($4.45) in his largest purchase during the preceding week, by 28 (the minimum net weight of a bushel basket of green peas). This results in $0.158, which is rounded to 16 cents. He then looks in Table B for the mark-up for green peas, which is $0.05½. This mark-up, 5½ cents, added to the net cost per selling unit of 1 pound, 16 cents, gives him 21½ cents. Therefore, his ceiling price per pound of California green peas for the period May 4th through May 10th is 21½ cents. In selling 1 pound, he may charge 22 cents. However, if he sells 2 pounds, he may charge no more than 43 cents (2 x 21½¢).

[Paragraph (b) amended by Am. 16, 9 F.R. 4217, effective 4–27–44.]

Effective date. This regulation shall become effective on the 5th day of August 1943. [MPR 423 originally issued July 8, 1943]

[Note: Effective dates of amendments are shown in notes following the parts affected]

NOTE: The record-keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with Federal Reports Act of 1942.

Issued this 24th day of May 1944.

CHESTER BOWLES,
Administrator.

Approved as to action contained herein with respect to agricultural commodities.

MARVIN JONES,
War Food Administrator.

[F. R. Doc. 44–7466; Filed, May 24, 1944; 4:37 p. m.]

PART 1305—ADMINISTRATION

[Gen. RO 5,[1] Amdt. 65]

FOOD RATIONING FOR INSTITUTIONAL USERS

A rationale accompanying this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 31.1 (c) is amended to read as follows:

(c) Applications shall be filed with the Board on OPA Form R–315. The regional office is authorized to rule on applications for special allotments under this section. It may, however, delegate authority to district offices or local boards in its region to rule on such applications. The regional office or an authorized board or district office may grant such special allotments only when authorized by instructions from the Washington Office, and only to the users and under the conditions and limitations set forth in those instructions.

This amendment shall become effective May 29, 1944.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, and 507, 77th Cong.;

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 10002, 11676, 11480, 11479, 12483, 12557, 12403, 12744, 14472, 15488, 16787, 17486, 9 F.R. 401, 455, 692, 1810, 2212, 2287, 2252, 2476, 2789, 3030, 3075, 3340, 3704, 3577, 4196, 4393, 4873, 4647, 4647, 4873.

E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Dir. 1, Supp. Dir. 1–E, 1–M and 1–R, 562, 2965, 7234, 9684, respectively; War Food Orders 56, 58, 59, 61, 64, 9 F.R. 4319, 4320, 4321)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7515; Filed, May 25, 1944; 11:32 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RO 1A,[1] Amdt. 77]

TIRES, TUBES, RECAPPING AND CAMELBACK

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Ration Order No. 1A is amended in the following respects:

1. Section 1315.201 (a) (9) is amended to read as follows:

(9) "Dealer" means any person, other than a manufacturer, who is engaged in the business of selling tires or tubes or who is acquiring tires or tubes for purposes of resale.

2. Sections 1315.201 (a) (29), 1315.201 (a) (40), 1315.602 (e), 1315.602 (g), 1315.803 (b) (2) and 1315.804 (c) (4) are revoked.

3. Section 1315.509 is amended to read as follows:

§ 1315.509 *Recognition as a dealer for purpose of acquiring new passenger tires or tubes from manufacturers without certificates.* (a) A person who held no tires or tubes for resale on May 31, 1944, who intends in good faith to become a dealer and who wishes to acquire an initial inventory of passenger tires or tubes from a manufacturer under § 1315.804 (j), may apply by letter to the District Director serving the area in which his establishment is located for recognition as a dealer. He shall declare in a letter to the District Director that he possesses premises at which he intends to hold for resale all tires and tubes which he may acquire under § 1315.804 (j), on replenishment portions of certificates or receipts or on authorization. He shal. also state in the letter the location of such premises.

(b) If the District Director is satisfied that the applicant has complied with the provisions of paragraph (a), he shall issue the applicant a letter to that effect.

4. Section 1315.803 (a) is amended to read as follows:

(a) *By dealers.* A dealer may, in exchange for a certificate, transfer tires or tubes to a consumer.

5. The headnote of § 1315.803 (b) is amended by deleting the phrase "or wholesalers".

6. Section 1315.803 (b) (3) is amended by deleting the phrase "or wholesaler".

7. Section 1315.804 (c) (3) is amended by adding the following after the replenishment table:

Provided, however, That no manufacturer shall transfer tires or tubes in exchange for the replenishment portion (Part B) of a certificate or receipt which is dated prior to April 1, 1944, unless he received the replenishment portion on or before July 15, 1944.

8. Section 1315.804 (c) (6) is amended by deleting the phrase "in exchange for the replenishment portion of a certificate" and inserting in lieu thereof the phrase "in accordance with the provisions of this order".

9. Section 1315.804 (e) is amended to read as follows:

(e) *Transfers of new tires and tubes upon authorization.* (1) the following transfers of new tires and new tubes may be made (without certificate) upon written authorization of the District Director serving the area in which the tires and tubes are located:

(i) From a person other than a dealer or manufacturer to a dealer or manufacturer;

(ii) Fom a dealer to a dealer or manufacturer;

(iii) From a manufacturer to a manufacturer.

(2) Application for authorization to make any transfer permitted in subparagraph (1) shall be made by the transferor and shall state the names and addresses of the transferor and the transferee and the amount, type and grade of tires and tubes to be transferred: *Provided, however,* That application may be made by the central accounting office of the transferor to the District Director serving the area in which such office is located.

(3) An authorization granted pursuant to this paragraph shall not act as a waiver of any suspension order issued against either the transferor or transferee nor as a condonation of any violations of this order committed by the transferor or transferee.

10. Section 1315.804 (f) (4) (i) is amended to read as follows:

(i) A "regional branch" means any premises wholly controlled by the manufacturer where the functions of his business, other than production, are performed, and where the only transfers of tires or tubes to consumers are made to those consumers who acquired tires or tubes from a manufacturer between December 31, 1940 and August 6, 1943.

11. Section 1315.804 (j) is added to read as follows:

(j) *Transfer of new passenger tires and tubes without certificate by manufacturers.* (1) A manufacturer may transfer new passenger tires and new passenger tubes to any dealer without certificate: *Provided, however,* That he may not place tires or tubes in transit or make any other transfer of them under this paragraph after July 15, 1944. Tires or tubes in transit on July 15, 1944 may be acquired after that date by the dealer to whom the shipment was made.

(2) A manufacturer may ship tires or tubes being transferred under this paragraph to a dealer for the account of another dealer. The dealer who ordered the tires or tubes from the manufacturer may, without certificate, transfer legal title to the tires or tubes to the dealer to whom they were shipped.

(3) A manufacturer who transfers tires or tubes under this paragraph shall send a shipping memorandum to the dealer receiving shipment showing the name and address of the dealer, the date of the shipment, the number of tires and tubes which were shipped and the name and address of the dealer for whose account the shipment is made, if he is someone other than the dealer receiving shipment. All shipping memoranda which the manufacturer sends to a dealer, under this paragraph, shall contain the following statements: "A copy of this has been sent to the OPA Inventory Branch. Certificates for new passenger tires and tubes have not been transferred to _____ for this shipment." The manufacturer shall insert his name in the blank.

(4) A manufacturer shall mail to the OPA Inventory Branch, Empire State Building, New York, New York, once each week copies of the shipping memoranda covering the shipments made during the preceding calendar week under this paragraph. He shall, with each mailing, enclose a summary of the number of shipping memoranda being forwarded, the total number of tires and tubes covered by these shipping memoranda and a certification that the shipping memoranda cover all shipments made during the week under this paragraph and that the information contained on them is true and correct.

(5) A manufacturer may not transfer tires or tubes under this paragraph to a dealer if he knows or has reason to believe that the dealer held no tires or tubes for resale on May 31, 1944, and has not received a letter from a District Director recognizing him as a dealer, in conformity with § 1315.509 (b). A person who was not a dealer on May 31, 1944, may not acquire tires or tubes under this paragraph unless he has received a letter from a District Director recognizing him as a dealer, in conformity with § 1315.509 (b).

This amendment shall become effective June 1, 1944.

NOTE: All reporting and record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong. as amended by Pub. Laws 89, 421 and 507, 77th Cong.; E.O. 9125, 7 F.R. 2719, issued April 7, 1942, WPB Dir. No. 1, 7 F.R. 562, Supp. Dir. No. 1Q, 7 F.R. 9121)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7510; Filed, May 25, 1944; 11:30 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 7 F.R. 9160, 9392, 9724.

PART 1382—HARDWOOD LUMBER

[MPR 223,[1] incl. Amdts. 1–12]

NORTHERN HARDWOOD LUMBER

This compilation of Maximum Price Regulation 223 includes Amendment 12, effective May 30, 1944. The text added or amended by Amendment 12, with the exception of the table in § 1382.163 (b) (12), is underscored.

In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for sales of Northern hardwood lumber by a specific maximum price regulation. The Price Administrator has ascertained and given due consideration to the prices of Northern hardwood lumber prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942. A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2] Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected.

[Preamble amended by Supplementary Order 61, 8 F.R. 12552, effective 9–11–43.]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 223 is hereby issued.

Sec.

1382.151 Maximum prices for Northern hardwood lumber.
1382.152 Less than maximum prices.
1382.153 Adjustable pricing.
1382.154 Evasion.
1382.155 Records and reports.
1382.156 Enforcement.
1382.157 Licensing.
1382.158 Petitions for amendment or adjustment.
1382.159 Definitions.
1382.160 Applicability of General Maximum Price Regulation.
1382.161 Export sales.
1382.162 Effective date.
1382.163 Appendix A: Maximum prices for Northern hardwood lumber in standard or near standard grades.
1382.164 Appendix B: Maximum prices for Northern hardwood lumber in "standard special" grades or items.
1382.165 Appendix C: Maximum prices for Northern hardwood lumber in "non-standard special" grades or items.
1382.166 Appendix D: Delivered prices and estimated average weights.

AUTHORITY: §§ 1382.151 to 1382.166, inclusive, issued under 56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681.

§ 1382.151 *Maximum prices for Northern hardwood lumber.* (a) On and after September 23, 1942, regardless of any contract or other obligation, no person shall sell or deliver any Northern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, and no person shall buy or receive in the course of trade or business any Northern hardwood lumber so shipped, at prices higher than the maximum prices set forth in Appendices A to D hereof, inclusive, incorporated herein as §§ 1382.163 to 1382.166, inclusive; and no person subject to this Maximum Price Regulation No. 223 shall agree, offer, solicit or attempt to do any of the foregoing.

(b) The provisions of this Maximum Price Regulation No. 223 shall not be applicable to retail sales as defined in paragraph (a) (7) of § 1382.159.

(c) The provisions of this Maximum Price Regulation No. 223 shall not be applicable to sales or deliveries of Northern hardwood lumber to a purchaser, if prior to September 23, 1942, such lumber had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(d) The maximum prices established in this Maximum Price Regulation No. 223 shall not be increased by any charges for the extension of credit or by any decrease in the time customarily allowed for payment, and shall be decreased for prompt payment to the same extent that the sale price would have been decreased on October 1, 1941.

(e) [Revoked]

[Paragraph (e) added by Am. 7, 8 F.R. 10939, effective 8–10–43; revoked by Am. 8, 8 F.R. 14136, effective 10–15–43.]

§ 1382.152 *Less than maximum prices.* Lower prices than those set forth in this Maximum Price Regulation No. 223 may be charged, demanded, paid, or offered.

§ 1382.153 *Adjustable pricing.* Any person may agree to sell at a price which can be increased up to the maximum price in effect at the time of shipment; but no person may, unless authorized by the Office of Price Administration, deliver or agree to deliver at prices to be adjusted upward in accordance with action taken by the Office of Price Administration after shipment. Such authorization may be given when a request for a change in the applicable maximum price is pending, but only if the authorization is necessary to promote distribution or production and if it will not interfere with the purposes of the Emergency Price Control Act of 1942, as amended. The authorization may be given by the Administrator or by any official of the Office of Price Administration having authority to act upon the pending request for a change in price or to give the authorization.

The authorization will be given by order, except that it may be given by letter or telegram when the contemplated revision will be the granting of an individual application for adjustment.

[§ 1382.153 amended by Am. 3, 8 F.R. 2783, effective 3–4–43 and Supplementary Order 50, 8 F.R. 10568, 14310, effective 7–27–43.]

§ 1382.154 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 223 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of or relating to Northern hardwood lumber, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Unnecessarily r o u t i n g lumber through a distribution yard;

(2) Unreasonably refusing to ship lumber on standard grades and in grade-rule range widths and lengths;

(3) Falsely or wrongly grading or invoicing lumber;

(4) Grading as a special grade lumber which normally is graded by the seller as a standard grade;

(5) Making charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in 1382.166).

(c) It is unlawful for any person to charge, receive or pay a commission for the service of procuring (including buying, selling, or locating lumber, or for any related service such as "expediting") which does not involve actual physical handling of lumber, if the commission plus the purchase price results in a total payment by the buyer of lumber which is higher than the maximum price of the lumber. For purposes of this regulation, a commission is any compensation, however designated, which is paid for the procurement of lumber. This prohibition has no application to the case of a bona fide employer-employee relationship where the employee serves only one employer, insofar as lumber procurement is concerned, and where the compensation paid by the employer is a fixed salary and is not based directly or indirectly on the quantity, price or value of the lumber in connection with which the service is rendered.

[Paragraph (c) added by Supplementary Order 37, 8 F.R. 2192, effective 2–23–43 and amended by Supplementary Order, 77, 8 F.R. 14310, effective 10–26–43.]

[NOTE: Supplementary Order No. 31 (7 F.R. 9894; 8 F.R. 1312, 3702) provides that: "Notwithstanding the provisions of any price regulation, the tax on transportation of all property (excepting coal) imposed by section 620 of the Revenue Act of 1942 shall, for purposes of determining the applicable maximum price of any commodity or service, be treated as though it were an increase of 3%

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[1] 7 F.R. 7445.

[2] Statements of considerations are also issued simultaneously with amendments. Copies may be obtained from the Office of Price Administration.

[3] Revised: 7 F.R. 8961; 8 F.R. 3313, 3533, 6173, 11806; 9 F.R. 1594, 3075.

in the amount charged by every person engaged in the business of transporting property for hire. It shall not be treated, under any provision of any price regulation or any interpretation thereof, as a tax for which a charge may be made in addition to the maximum price."]

§ 1382.155 *Records and reports.* (a) Every seller and purchaser subject to this Maximum Price Regulation No. 223 making sales or deliveries or purchases of Northern hardwood lumber to the value of $500.00 or more in any one month, after September 23, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years a complete and accurate record of each sale or delivery or purchase of Northern hardwood lumber, showing the date of purchase or sale, the name and address of the buyer and seller, the quantities and grades purchased or sold, and the prices paid or received.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.

§ 1382.156 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 223 are subject to the criminal penalties, civil enforcement actions, proceedings for suspension of licenses, and suits for treble damages provided for by the Emergency Price Control Act of 1942: *Provided*, That no War Procurement Agency, or any contracting or paying finance officer thereof, shall be subject to any liability, civil or criminal, imposed by this Maximum Price Regulation No. 223 or the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 223 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest district, state, or regional office of the Office of Price Administration or its principal office in Washington, D. C.

[NOTE: Revised Supplementary Order No. 34 (8 F.R. 12404) permits, under certain conditions, the addition of extra packing expenses on sales to procurement agencies of the United States.]

§ 1382.157 *Licensing.* The provisions of Licensing Order No. 1,[4] licensing all persons who make sales under price control, are applicable to all sellers subject to this regulation or schedule. A seller's license may be suspended for violations of the license or of one or more applicable price schedules or regulations. A person whose license is suspended may not, during the period of suspension, make any sale for which his license has been suspended.

[§ 1382.157 amended by Supplementary Order 72, 8 F.R. 13244, effective 10-1-43.]

§ 1382.158 *Petitions for amendment or adjustment*—(a) *Government contracts or subcontracts.* See Procedural Regulation No. 6[5] for adjustment provisions on certain government contracts or subcontracts.

[Paragraph (a) amended by Supplementary Order 83, 9 F.R. 973, effective 2-1-44.]

[NOTE: Supplementary Order No. 42 (8 F.R. 4968) provides that no price regulation of the OPA shall apply to sales or deliveries of any commodity or service made to Government agencies pursuant to secret contracts or subcontracts.]

(b) Any person seeking an amendment of any provision of this Maximum Price Regulation No. 223 may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1 issued by the Office of Price Administration.

[Paragraph (b) added by Am. 1, 7 F.R. 8945, effective 11-4-42. Former (b) and (c) revoked by Am. 1.]

(c) In treating with petitions for amendment or adjustment, consideration will not be given to log and bolt costs which are higher than the applicable maximum purchase prices for logs and bolts established in Revised Maximum Price Regulation 161 (West Coast Logs),[6] or Maximum Price Regulations 313 (Prime Grade Hardwood Logs)[7] and 348 (Logs and Bolts),[8] or any revision or amendment of these regulations. This rule shall be followed regardless of whether the petitioner gets logs and bolts by purchasing them, logging his own standing timber, contracting for the logging of his own standing timber, or any other means. All petitions in any way based on the cost of logs or bolts must show the actual cost to the petitioner of logs and bolts received at his plant during the three months immediately prior to filing the petition, and the cost which would have been incurred by the petitioner if all of these logs and bolts had been purchased by him at ceiling prices. To figure these ceiling prices the petitioner should refer to the regulation which fixes the maximum prices for purchases and sales of the kinds of logs and bolts received at his plant.

[Paragraph (c) added by Supplementary Order 47, 8 F.R. 5808, effective 5-8-43.]

[NOTE: Supplementary Order No. 28 (7 F.R. 9619, 8 F.R. 7256) provides for the filing of applications for adjustment or petitions for amendment based on a pending wage or salary increase requiring the approval of the National War Labor Board.]

§ 1382.159 *Definitions.* (a) When used in Maximum Price Regulation No. 223, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Feet" means board feet of lumber except that with reference to lumber in thicknesses of ½", ¾", and ⅝", the term "feet" means surface feet.

(3) "Northern hardwood lumber" means lumber:

(i) Produced from the botanical species of brown ash (Fraxinus nigra), beech (Fagus americana), rock elm (Ulmus thomasi), hard maple (Acer saccharum), and the commercial species of the genera basswood (Tilia), birch (Betula), soft elm (Ulmus), soft maple (Acer), and oak (Quercus), and all other hardwood species; and

(ii) Processed into lumber at mills located in the states of Michigan, Minnesota and Wisconsin.

[Subparagraph (3) amended by Am. 6, 8 F.R. 8945, effective 7-3-43.]

(4) "Mill" means any establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 223, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, at least 25 percent of the volume of Northern hardwood lumber or logs purchased or received by it, or

(ii) Which resembles the following described establishment more nearly than that described under the definition of "distribution yard" in subparagraph (5) (ii) of this paragraph: An establishment which concentrates and prepares lumber for commercial shipment, which keeps in stock primarily Northern hardwood and Northern softwood lumber, which has its lumber brought in chiefly in rough green form by truck from small local sawmills and sells chiefly for rail shipment, and which has been located at its particular site in order to be near the lumber producing area.

(5) "Distribution yard" means an establishment:

(i) Which processes into the items of lumber covered by this Maximum Price Regulation No. 223, by sawing or planing, or ships to milling-in-transit operations for such processing by sawing, planing, or kiln drying, less than 25 percent of the volume of Northern hardwood lumber purchased or received by it; and

(ii) Which resembles the following described establishment more nearly than that described under the definition of

[4] 8 F.R. 13240.

[5] 7 F.R. 5087, 5664; 8 F.R. 6173, 6174, 12024.

[6] 8 F.R. 1117, 2992, 5678, 6619, 9381, 10660, 11509, 16602, 16603, 17327; 9 F.R. 694.

[7] 8 F.R. 1453, 2208, 2992, 5564, 6359, 10825; 9 F.R. 695.

[8] 8 F.R. 16115, 16198, 16204, 16297; 9 F.R. 220, 392, 343, 402, 450, 538, 574, 682, 792, 1317, 1571, 1572, 1717, 2088, 2561.

"mill" in subparagraph (4) (ii) of this paragraph: A wholesale or retail lumber yard which purchases or receives lumber from a mill or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a miscellaneous stock of lumber from different regions, which obtains its lumber primarily by rail shipment and sells primarily for truck shipment, which is equipped to make quick deliveries of many different items of lumber, and which has been located at its particular site primarily in order to be near a lumber consuming area.

(6) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to this Maximum Price Regulation No. 223.

(7) "Retail sale" means a sale which satisfies all of the following tests:

(i) It must be a sale of not more than 2,000 feet of lumber;

(ii) It must be a sale in which the purchaser requests delivery to a point not more than 20 miles from the mill at which shipment originates;

(iii) It must be a sale of lumber to a contractor or consumer for use in construction, remodeling, repair, maintenance, fabrication, or remanufacture, and not for resale in substantially the same form.

(8) "War procurement agency" includes the War Department, the Department of the Navy, the United States Maritime Commission, and the Lend-Lease Section in the Procurement Division of the Treasury Department, or any agency of the foregoing.

(b) Unless otherwise specified, grade terms used herein have the meaning set forth in the "Rules for the Measurement and Inspection of Hardwood Lumber" issued by the National Hardwood Lumber Association, effective January 1, 1943.

[Paragraph (b) added by Am. 2, 8 F.R. 121, effective 1-6-43 and amended by Am. 6, 8 F.R. 8945, effective 7-3-43. Former (b) redesignated (c) by Am. 2.]

(c) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1382.160 *Applicability of General Maximum Price Regulation.* The provisions of this Maximum Price Regulation No. 223 supersede the provisions of the General Maximum Price Regulation [9] with respect to sales and deliveries of Northern hardwood lumber for which maximum prices are established in this regulation.

§ 1382.161 *Export sales.* The maximum price at which a seller may make an export sale of Northern hardwood lumber shall be determined in accordance with the provisions of the Maximum Export Price Regulation,[10] issued by the Office of Price Administration. An "export sale" is any sale between a seller in the continental United States and a purchaser outside thereof in which the commodity sold is transported from the continental United States to a point outside thereof and includes any sale of a commodity outside the continental United States by an agent of the exporter or by a corporation owned or controlled by the exporter within a period of two years after the date of shipment of the commodity from the continental United States.

§ 1382.162 *Effective date.* This Maximum Price Regulation No. 223 (§§ 1382.151 to 1382.166, inclusive) shall become effective September 23, 1942. [M. P. R. 223 originally issued September 18, 1942.]

[Effective dates of amendments are shown in notes following the parts affected.]

§ 1382.163 *Appendix A: Maximum prices for Northern hardwood lumber in standard or near standard grades*—(a) *Application of Appendix A.* The provisions of this section shall apply to Northern hardwood lumber which is sold in the species and on the grades designated in this section. Lumber sold on such grades shall be deemed to include lumber in:

(1) Grade-rule range widths and lengths;

(2) Widths and lengths substantially the same as grade-rule range widths and lengths; or

(3) Specified average widths or specified average lengths which are substantially run-of-the-log.

(b) *Maximum prices.* The maximum f. o. b. mill price for 1,000 feet of Northern hardwood lumber in standard or near standard grades in a rough air dried condition shall be as follows:

(1) BROWN ASH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3 Common
1	$86.50	$69.00	$54.00	$41.50	$31.00
1¼	92.00	75.00	60.00	46.00	32.00
1½	98.00	80.50	63.50	49.50	32.00
2	103.50	86.50	68.00	52.00	33.50
2½	115.00				
3	126.50				
4	138.00				

(2) BASSWOOD

1/6	$63.50	$56.50	$38.00	$27.50	
5/8	73.50	64.50	43.50	32.00	
¾	83.00	73.50	49.50	35.50	
1	98.00	86.50	57.50	42.50	$32.00
1¼	103.50	92.00	62.00	47.00	33.50
1½	107.00	95.50	66.50	49.50	33.50
2	112.50	101.00	79.50	50.50	33.50
2½	119.50	108.00	87.50	60.00	
3	125.50	114.00	93.00	65.50	

(3) BEECH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common	No. 3 Common	No. 2 Common and better
1/6	$63.50	$53.00	$39.00				$33.50
5/8	73.50	61.00	46.00				39.00
¾	83.00	69.00	52.00				43.50
1	98.00	80.50	61.00	$43.50	$35.50	$31.00	52.00
1¼	104.50	86.50	66.50	47.00	39.00	32.00	56.50
1½	108.00	89.50	71.50	49.50	40.50	32.00	62.00
2	117.50	98.00	79.50	52.00	41.50	32.00	66.50
2½	129.00	107.00	91.00				76.00
3	146.00	130.00	106.00				89.50

(4) BIRCH

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and sound	No. 3 Common
5/8	$99.00	$85.00	$56.50	$37.00		
¾	111.50	96.50	63.50	42.50		
1	131.00	114.00	75.00	49.50	$41.50	$32.00
1¼	137.00	119.50	84.00	57.50	42.50	33.50
1½	139.00	122.00	91.00	64.50	43.50	33.50
2	141.50	130.00	102.50	70.00	45.00	33.50
2½	144.00	132.50	107.00	71.50		
3	146.00	134.50	112.50	77.00		

(5) ROCK ELM

Thickness (inch)	FAS	No. 1 Common	No. 2 Common	No. 3 Common
1	$69.00	$46.00	$39.00	$30.00
1¼	75.00	54.00	41.50	31.00
1½	86.50	63.50	43.50	32.00
2	92.00	72.50	49.50	34.50
2½	103.50	84.00	57.50	38.00
3	115.00	95.50	63.50	40.50

(6) SOFT ELM

Thickness (inch)	FAS	No. 1 Common and selects	No. 2 Common	No. 3 Common
1	$69.00	$57.50	$45.00	$31.00
1¼	72.50	60.00	46.00	32.00
1½	75.00	61.00	47.00	32.00
2	78.00	64.50	48.50	33.50
2½	81.50	68.00	50.50	
3	87.50	73.50	56.50	

[9] F.R. 1385, 5169.

[10] 2d Revised: 8 F.R. 4132, 5987, 7662, 9998, 15193; 9 F.R. 1036.

(7) HARD MAPLE

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common and sound	No. 3 Common
1	$107.00	$89.50	$66.50	$49.50	$34.50	$30.00
1¼	114.00	95.50	72.50	53.00	38.00	31.00
1½	117.50	99.00	77.00	55.00	39.00	32.00
2	126.50	107.00	85.00	57.50	41.50	32.00
2½	138.00	116.00	96.50			
3	155.50	139.00	111.50			
4	184.00	161.00	132.50			
Miscut, 1	101.00	84.00	61.00	46.00		

(8) SOFT MAPLE

Thickness (inch)	FAS	No. 1 Common and selects	No. 2 Common	No. 3 Common
1	$81.50	$58.50	$42.50	$31.00
1¼	87.50	64.50	47.00	32.00
1½	96.50	70.00	53.00	33.50
2	104.50	76.00	54.00	34.50

(9) OAK

Thickness (inch)	FAS	Selects	No. 1 Common	No. 2 Common	No. 3A Common	No. 3 Common
1	$91.00	$73.50	$61.00	$45.00	$34.50	$29.00
1¼	98.00	80.50	66.50	48.50	37.00	30.00
1½	103.50	86.50	72.50	49.50	38.00	31.00
2	115.00	98.00	80.50	52.00	40.50	32.00
2½	138.00	115.00	98.00	63.50		

(10) MIXED HARDWOODS

Dunnage or No. 4 Common—Lumber of any hardwood species of standard widths and lengths but poorer in quality than No. 3B Common $17.50

No. 1 Snow Fence Lath, ½" x 1½", 4' ..... $10 per M pieces

(11) 1" HARDWOOD TIE SIDES

	FAS	No. 1 Common	No. 2 Common	No. 3A Common	No. 3B Common
Birch	$98.00	$62.00	$42.50	$33.50	$27.50
Maple	92.00	57.50	41.50	30.00	25.50
Oak	69.00	50.50	38.00	29.00	25.50

For 1¼" and thicker items in each species, add to the above prices the same amounts by which the prices for those thicknesses, in standard lumber grades, exceed the prices for 1" stock in the same standard grades.

(12) HARDWOOD HEARTS

Size (inches)	Length (feet)	No. 3 Common	Crossing plank
2 x 4	6 to 16	$30.00	$35.50
2 x 5	6 to 16	$31.00	$35.50
2 x 6	6 to 16	$30.00	$35.50
2 x 8	6 to 16	$30.00	$35.50
2 x 5 and wider	6 to 16	$30.00	$35.50
3 x 3	6 to 16	$31.00	$34.50
3 x 4	6 to 16	$30.00	$34.50
3 x 6	6 to 16	$30.00	$34.50

(12) HARDWOOD HEARTS—Continued

Size (inches)	Length (feet)	No. 3 Common	Crossing plank
3 x 8	6 to 16	$32.00	$37.00
3 x 10	6 to 16	$37.00	$42.50
3 x 12	6 to 16	$43.50	$54.00
4 x 4	6 to 16	$31.00	$34.50
4 x 6	6 to 16	$31.00	$35.50
4 x 8	6 to 16	$37.00	$41.50
6 x 6	6 to 16	$31.00	
6 x 8	6 to 16	$37.00	
8 x 8	6 to 16	$42.50	

For all one length, 8' or longer, add $2.00.
For all 10' to 16', add $0.50.
For all 12' to 16', add $1.00.
For all 14' to 16', add $1.50.

[Subparagraph (12) amended by Am. 12, effective 5-30-44]

(13) HARDWOOD BLOCKING

Size (inch)	(No. 3 Common)					
	2'	3'	4'	5'	6'	2' to 6' mixed lengths
2x3, 2x4, 2x6	$27.50	$29.00	$27.50	$27.50	$27.50	$26.50
3x3, 3x4, 3x6	27.50	29.00	27.50	29.00	29.00	27.50
4x4, 4x5, 4x6	27.50	29.00	27.50	29.00	29.00	27.00
6x6, 6x8	30.00	31.00	30.00	30.00	30.00	29.50

(14) GRAIN AND COAL DOOR BOARDS

	6'	7'
Grain door boards	$23.00	$23.00
Coal door boards	20.50	20.50

(15) HARDWOOD SQUARES

Length (inches)	1"	1¼"	1½"
12 to 16	$52.00	$61.00	$66.50
18 to 40	55.00	66.50	72.50
42 to 48	72.50	78.00	84.00
54 to 60	84.00	89.50	101.00

[Subparagraph (2) amended by Am. 2, 8 F.R. 121, effective 1-6-43. Subparagraphs (3), (4) and (12) amended by Am. 5, 8 F.R. 5629, effective 5-4-43. Subparagraphs (1) through (15), inclusive, amended by Am. 8, 8 F.R. 14136, effective 10-15-43]

(16) *Miscut hardwoods.* The maximum price for miscut lumber of any species covered by this regulation shall be the maximum price for standard sawn lumber of the same species and grade in 4/4" thickness less the following:

FAS	Selects	No. 1 Common	No. 2 Common
$5.00	$5.00	$5.00	$3.00

(17) *Hardwood barkies.* The maximum price for 1" x 4" hardwood barkies in any species covered by this regulation shall be the same as the maximum price for No. 3 Common lumber 1" thick, of the same species.

"Hardwood barkies" as used here, means a trade practice grade which will admit bark without limit on one face, not more than one-third the thickness of the piece, provided the reverse side has two good edges and is sound, as defined in "Sound Cutting," National Hardwood Lumber Association Rules issued January 1943.

[Subparagraphs (16) and (17) added by Am. 5, 8 F.R. 5629, effective 5-4-43.]

(18) WHITE OAK OR RED—STRUCTURAL STOCK OR SOUND SQUARE EDGE

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$43	$46	$50	$54	$59	$65	$73
2 x 8	43	46	50	54	59	65	73
2 x 10	45	48	52	56	61	67	75
2 x 12	49	52	56	60	65	71	79
2 x 14	53	56	60	64	69	75	83
2 x 16	58	61	65	69	74	80	88
3 x 6	43	46	50	54	59	65	73
3 x 8	43	46	50	54	59	65	73
3 x 10	45	48	52	56	61	67	75
3 x 12	49	52	56	60	65	71	79
3 x 14	53	56	60	64	69	75	83
3 x 16	58	61	65	69	74	80	88
4 x 6	43	46	50	54	59	65	73
4 x 8	43	46	50	54	59	65	73
4 x 10	45	48	52	56	61	67	75
4 x 12	49	52	56	60	65	71	79
4 x 14	53	56	60	64	69	75	83
4 x 16	58	61	65	69	74	80	88
6 x 6	43	46	50	54	59	65	73
6 x 8	45	48	52	56	61	67	75
6 x 10	47	50	54	58	63	69	77
6 x 12	49	52	56	60	65	71	79
6 x 14	53	56	60	64	69	75	83
6 x 16	58	61	65	69	74	80	88
8 x 8	45	48	52	56	61	67	75
8 x 10	47	50	54	58	63	69	77
8 x 12	49	52	56	60	65	71	79
8 x 14	53	56	60	64	69	75	83
8 x 16	58	61	65	69	74	80	88
10 x 10	47	50	54	58	63	69	77
10 x 12	49	52	56	60	65	71	79
10 x 14	53	56	60	64	69	75	83
10 x 16	58	61	65	69	74	80	88
10 x 18	63	66	70	74	79	85	93
12 x 12	50	53	57	61	66	72	80
12 x 14	55	58	62	66	71	77	85
12 x 16	60	63	67	71	76	82	90
12 x 18	66	69	73	77	82	88	96
12 x 20	72	75	79	83	88	94	102

(18) WHITE OAK OR RED OAK—STRUCTURAL STOCK OR SOUND SQUARE EDGE—Continued

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
14 x 14	56	59	63	67	72	78	85
14 x 16	62	65	69	73	78	84	92
14 x 18	68	71	75	79	84	90	98
14 x 20	75	78	82	86	91	97	105
14 x 22	83	86	90	94	99	105	113
14 x 24	92	95	99	103	108	114	122
14 x 26	102	105	109	113	118	124	132
14 x 28	113	116	120	124	129	135	143
16 x 16	69	72	76	80	85	91	99
16 x 18	76	79	83	87	92	98	106
16 x 20	84	87	91	95	100	106	114
16 x 22	92	95	99	103	108	114	122
16 x 24	101	104	108	112	117	123	131
16 x 26	111	114	118	122	127	133	141
16 x 28	122	125	129	133	138	144	152
18 x 18	83	86	90	94	99	105	113
18 x 20	91	94	98	102	107	113	121
18 x 22	100	103	107	111	116	122	130
18 x 24	110	113	117	121	126	132	140
18 x 26	121	124	128	132	137	143	151
18 x 28	133	136	140	144	149	155	163

Notes on White Oak or Red Oak—Structural Stock or Sound Square Edge

Random widths; in 2", 3" and 4" thicknesses—$43.00.

Free of heart; in 2", 3" and 4" thicknesses—add $6.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule. The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

Deduction for mixed hardwoods. For Mixed Hardwoods—Structural Stock or Sound Square Edge, deduct $4.00 from the maximum price for White Oak or Red Oak—Structural Stock or Sound Square Edge in the same size in above schedule.

[Above paragraph added by Am. 10, 8 F.R. 17375, effective 1-3-44.]

(19) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER

Size (inches)	Lengths (feet)						
	10 to 16	18	20	22	24	26	28
2 x 6	$50	$55	$61	$67	$74	$83	$95
2 x 8	50	55	61	67	74	83	95
2 x 10	53	57	63	69	77	86	98
2 x 12	58	63	69	75	82	91	103
2 x 14	64	68	74	80	88	97	109
2 x 16	70	75	81	87	95	104	116
3 x 6	50	55	61	67	74	83	95
3 x 8	50	55	61	67	74	83	95
3 x 10	53	57	63	69	77	86	98
3 x 12	58	63	69	75	82	91	103
3 x 14	64	68	74	80	88	97	109
3 x 16	70	75	81	87	95	104	116
4 x 6	48	55	60	65	71	78	88
4 x 8	$48	$55	$60	$65	$71	$78	$88
4 x 10	50	58	62	67	73	80	90
4 x 12	55	62	67	72	78	85	95
4 x 14	59	67	72	77	83	90	100

(19) WHITE OAK OR RED OAK—FREIGHT CAR STOCK, COMMON DIMENSION, MINE CAR LUMBER—Continued

Size (inches)	Length (feet)						
	10 to 16	18	20	22	24	26	28
4 x 16	66	73	78	83	89	96	106
6 x 6	48	55	60	65	71	78	88
6 x 8	50	58	62	67	73	80	90
6 x 10	53	60	65	70	76	83	92
6 x 12	55	62	67	72	78	85	95
6 x 14	59	67	72	77	83	90	100
6 x 16	65	73	78	83	89	96	106
8 x 8	50	58	62	67	73	80	90
8 x 10	53	60	65	70	76	83	92
8 x 12	55	62	67	72	78	85	95
8 x 14	59	67	72	77	83	90	100
8 x 16	65	73	78	83	89	96	106
10 x 10	53	60	65	70	76	83	92
10 x 12	55	62	67	72	78	85	95
10 x 14	59	67	72	77	83	90	100
10 x 16	65	73	78	83	89	96	106
10 x 18	71	79	84	89	95	102	112
12 x 12	56	64	68	73	79	86	96
12 x 14	62	70	74	79	85	92	102
12 x 16	67	76	80	85	91	98	108
12 x 18	74	83	88	92	98	106	115
12 x 20	81	90	95	100	106	113	122
14 x 14	63	71	76	80	86	94	103
14 x 16	69	78	83	88	94	101	110
14 x 18	76	85	90	95	101	108	118
14 x 20	84	94	98	103	109	116	126
14 x 22	93	103	108	113	119	126	136
14 x 24	103	114	119	124	130	137	146
14 x 26	114	126	131	136	142	149	158
14 x 28	127	139	144	149	155	162	172
16 x 16	77	86	91	96	102	109	119
16 x 18	85	95	100	104	110	118	127
16 x 20	94	104	109	114	120	127	137
16 x 22	103	114	119	124	130	137	146
16 x 24	113	125	130	134	140	148	157
16 x 26	124	137	142	146	152	160	169
16 x 28	137	150	155	160	166	173	182
18 x 18	93	103	108	113	119	126	136
18 x 20	102	113	118	122	128	136	145
18 x 22	112	124	128	133	139	146	156
18 x 24	123	136	140	145	151	158	163
18 x 26	136	149	154	158	164	172	181
18 x 28	149	163	168	173	179	186	196

Notes on White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber

Random widths; in 2" and 3" thicknesses—$50.00.

Free of heart; in 2" and 3" thicknesses—add $8.00 to maximum price for same thickness, width and length in above schedule.

Prices for specific sizes not in schedule. The maximum price for material of a length not included in this schedule shall be determined by adding to the maximum price for the next shorter length the proportionate amount of the difference between the maximum price of such next shorter length and the maximum price of the next longer length.

In the case of any item for which the thickness or the width is not included in the schedule, the maximum price shall be the maximum price for the material of the next greater thickness or width.

The maximum prices set forth above supersede the maximum prices for like material authorized for individual sellers under the special pricing provisions of this regulation.

Deduction for mixed hardwoods. For Mixed Hardwoods—Freight Car Stock, Common Dimension, Mine Car Lumber, deduct $4.00 from the maximum price for White Oak or Red Oak—Freight Car Stock, Common Dimension, Mine Car Lumber, in the same size in above schedule.

[Above paragraph added by Am. 10, 8 F.R. 17375, effective 1-3-44.]

[Subparagraphs (18) and (19) added by Am. 6, 8 F.R. 8945, effective 7-3-43.]

(c) *Deduction for green.* For lumber shipped in a "green" condition, deduct from the maximum prices for air-dried lumber established in this Appendix A, 10 percent of the maximum price for rough,

air-dried material in the same specifications.

This deduction shall not apply to special sawn timbers, tough ash lumber, or to lumber customarily used without air seasoning, but it shall apply to any lumber which requires further air seasoning by the purchaser before being placed in the kiln for kiln-drying, or before fabrication if not kiln-dried.

The mere fact that the lumber is not used immediately, but is stored on the purchaser's yard, does not necessarily mean that green lumber has been shipped, but in case of dispute any lumber which weighs 25 percent or more in excess of the air-dried weight as published in the Rules for the Measurement and Inspection of Hardwood Lumber, issued by the National Hardwood Lumber Association, January 1, 1943, or for weights filed with the Office of Price Administration by the individual shippers, shall be considered to be "green."

Any purchaser who accepts "green" lumber at prices applicable to "dry" lumber is guilty of violation of the regulation to the same extent as the seller.

[Paragraph (c) amended by Am. 6, 8 F.R. 8945, effective 7-3-43 and Am. 10, 8 F.R. 17375, effective 1-3-44.]

(d) *Additions for kiln drying and working.* The following additions per 1,000 feet of Northern hardwood lumber may be charged for the specified treatments and workings:

(1) Kiln drying the lumber to a moisture content not exceeding 7 percent as of the time the lumber leaves the kiln.

Species	1/2", 5/8", 3/4", thick	1" thick	1 1/4" thick	1 1/2" thick	2" thick	2 1/2" thick	3" thick
Basswood, Soft Elm, Soft Maple	$6.50	$7.50	$8.50	$9.50	$10.50	$12.50	$14.50
Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	7.00	9.00	10.50	12.00	14.50	17.50	22.00

(2) Kiln drying the lumber to a moisture content greater than 7 percent but not exceeding 12 percent as of the time the lumber leaves the kiln.

Species	1/2", 5/8", 3/4", thick	1" thick	1 1/4" thick	1 1/2" thick	2" thick	2 1/2" thick	3" thick
Basswood, Soft Elm, Soft Maple	$5.50	$6.50	$7.50	$8.50	$9.00	$11.00	$12.50
Ash, Beech, Birch, Rock Elm, Hard Maple, Oak	6.00	8.00	9.00	10.50	12.50	15.00	19.00

[Subparagraph (2) added by Am. 2, 8 F.R. 121, effective 1-6-43 and amended by Am. 8, 8 F.R. 14136, effective 10-15-43.]

(3) Kiln drying the lumber to a moisture content greater than 12 percent but not exceeding 20 percent as of the time the lumber leaves the kiln: One-half of the addition permitted in subparagraph (1) above except that a minimum of $4.00 per 1,000 feet may be charged.

[Subparagraph (3), formerly (2), amended by Am. 2, 8 F.R. 121, effective 1-6-43. Former (2), (3), (4) and (5) redesignated (3), (4), (5) and (6) respectively by Am. 2.]

(4) Inspecting, grading, and measuring after kiln drying: 5 percent of the f. o. b. mill price of the lumber in a rough air dried condition. This addition may be made only where the seller performs all three of these services, at the request of the purchaser, after kiln drying.

(5) Anti-stain treatment: 50 cents.

(6) Millworking:

Species	Surfacing 1 or 2 sides	Surfacing 1 or 2 sides and resawing 1 cut	Surfacing 1 or 2 sides and resawing 2 cuts	Surfacing 4 sides	Dressed and matched	Resawing 1 cut	Resawing each additional cut	Ripping per cut	Bundling
Ash, Beech, Birch, Rock Elm, Soft Elm, Hard Maple, Soft Maple, Oak	$2.50	$5.00	$7.00	$5.00	$6.00	$3.00	$2.50	$1.50	$1.50
Basswood	2.00	4.00	5.50	4.00	4.00	2.50	2.00	1.50	1.50

[Subparagraph (6) amended by Am. 8, 8 F.R. 14186, effective 10-15-43.]

(e) *Small quantities.* The following additions per M' may be made when the purchaser (or purchasers in the case of a pool car) orders an item consisting of one species, thickness, and grade, in the following quantities:

Quantity ordered:	*Addition per M'*
3000 to 4000 feet	$1.00
2000 to 2999 feet	2.00
1000 to 1999 feet	2.50
999 feet or less	3.00

(f) *Cross-cutting.* An addition of $1.50 per cut per M' may be made, when the purchaser specifically requires cross-cutting to specified nonstandard lengths.

[Paragraphs (e) and (f) added by Am. 5, 8 F.R. 5629, effective 5-4-43.]

(g) *N. H. L. A. inspection certificate.* Where the purchaser requests an inspection by, and an inspection certificate issued by, the National Hardwood Lumber Association, the seller may make an added charge which does not exceed the inspection fees and expenses charged by the Association to the seller and shown on the certificate.

[Paragraph (g), formerly (e) added by Am. 2, 8 F.R. 121, effective 1-6-43. Redesignated as (g) and headnote added by Am. 5, 8 F.R. 5629, effective 5-4-43.]

(h) *Custom kiln-drying and milling.* Where Northern hardwood lumber is kiln-dried or milled for the seller by a custom kiln or milling establishment, and the custom kiln or milling establishment is not owned or operated by, or connected with, the sawmill, the seller may add the actual cost of this custom kiln-drying or milling. The amount added may not be higher than the maximum price established by Maximum Price Regulation 165, as amended,[11] Services, for the custom kiln or milling establishment applicable to the sale of the services of custom kiln-drying or milling. The invoice of the custom kiln or milling establishment must be attached to the lumber invoice of the seller.

[Paragraph (h), formerly (f), added by Am. 4, 8 F.R. 5480, effective 4-29-43. Redesignated as (h) by Am. 6, 8 F.R. 8945, effective 7-3-43.]

§ 1382.164 *Appendix B: Maximum prices for Northern hardwood lumber in "standard special" grades or items*—(a) *Application of Appendix B.* The provisions of this section shall apply to Northern hardwood lumber which is sold in the species and on the "standard special" grades or specifications designated in this section.

(b) *Maximum prices.* The maximum f. o. b. mill price for 1,000 feet of Northern hardwood lumber in "standard special" grades or items in a rough air dried condition shall be as follows:

[11] 7 F.R. 6428, 6966, 8239, 8431, 8798, 8943, 9197, 9342, 9343, 9785, 9971, 9972, 10480, 10619, 10718, 11010; 8 F.R. 1060, 3324, 4782, 5681, 6364, 5755, 5933, 8506, 8873, 10671, 10939, 11754, 12023, 12710, 13302, 13742, 13920, 14930; 9 F.R. 1819.

(i) STANDARD SPECIAL GRADES, SPECIFIED WIDTHS, AND SPECIFIED LENGTHS

[In specified hardwood species]

Species	Grade or designation	Thickness (inches)	Widths (inches)	Lengths (feet)	Maximum price for 1,000 feet B. M.	Maximum additions to maximum price established in §1382.163 for lumber in corresponding standard grade and thickness
Basswood	No. 2 Common and better	1	Regular	4 and 6	$43.50	
	No. 2 Common	1	3½ to 5½	Regular	$40.50	
	All	1	Regular	10 and 12		$5.00
	All	1¼ and thicker	Regular	10 and 12		6.00
	No. 1 Common and better	All	7 and wider	Regular		7.00
	No. 1 Common and better		10 and wider	Regular		15.00
	No. 1 Common and better		12 and wider	Regular		30.00
	No. 1 Common and No. 2 Common	1		8 and longer (long cutting).		4.00
	Venetian blind stock	1 and 1¼				5.00
	FAS Key stock	1			$121.00	
	No. 1 Common and selects key stock	1			$98.00	
	FAS Key stock	1¼			$126.50	
	No. 1 Common and selects key stock	1¼			$103.50	
	1 and 2 face clear	1	4	6 to 16	$86.50	
	1 and 2 face clear	1	5	6 to 16	$94.50	
	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 14 and 16′ in excess of 45%.	2.00
Birch	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 8″ and wider in excess of 45%.	2.50
	Selects and better	1 and 1¼	45% 8 and wider (10% to 15% 10 and wider).	45% 14 and 16	For each 10% of 14 and 16′ in excess of 45%.	2.00
	Straight grained, free from cross-grained or curly stock.					20.00
	Knotty	1	4 to 8	8 to 16	$92.00	
	No. 1 common and better	1	4 and wider	4 and 6	$75.00	
	No. 2 common and better	1	4 and wider	4 and 6	$55.00	
	No. 2 common	1	4 and wider	4 and 6	$49.50	
	No. 2 common and better	1¼	4 and wider	4 and 6	$66.50	
	1 and 2 face clear	1	4	6 to 16	$102.50	
	1 and 2 face clear	1	5	6 to 16	$108.00	
	2 face clear	1	4	6 to 16	$114.00	
	2 face clear	1	5	6 to 16	$119.00	
	No. 1 common	1	4	Any	$75.00	
	No. 2 common	1	4	Any	$49.50	
	No. 1 common	1	6	Any	$76.00	
	No. 2 common	1	6	Any	$50.50	
	Selected red birch	1				20.00
Hard maple	1 and 2 face clear	1	4	6 to 16	$107.00	
	1 and 2 face clear	1	5	6 to 16	$114.00	
	1 and 2 face clear	1¼	4	6 to 16	$114.00	
	No. 1 common and better—curly	1 and thicker	Regular	Regular	$190.00	
	FAS Birdseye	1 and thicker	Regular	Regular		25.00
	No. 1 common and better—heel stock	1½ to 2½	Regular	Regular		10.00
	No. 1 common flooring stock	1	4 and wider	4 and longer	$56.50	
	No. 2 common flooring stock	1	4 and wider	4 and longer	$45.00	
	No. 3A common flooring stock	1	4 and wider	4 and longer	$33.50	
	No. 1 common flooring stock	1¼	4 and wider	4 and longer	$60.00	
	No. 2 common flooring stock	1¼	4 and wider	4 and longer	$48.50	
	No. 3A common flooring stock	1¼	4 and wider	4 and longer	$37.00	
	No. 1 white					20.00
	No. 1 and No. 2 white					15.00
	No. 2 white					10.00
	Sap 1 face					7.00
	Straight grain (except in conjunction with No. 1 white, No. 2 white or No. 1 and No. 2 white).					20.00
	Straight grain (in conjunction with No. 1 white, No. 2 white, or No. 1 and No. 2 white)					10.00

[Subparagraph (1) amended by Am. 5, 8 F.R. 5629, effective 5-4-43; Am. 6, 8 F.R. 8945, effective 7-3-43; Am. 8, 8 F.R. 14136, effective 10-15-43 and Am. 11, 9 F.R. 789, effective 1-19-44.]

(2) STANDARD SPECIAL WIDTHS AND LENGTHS IN ALL HARDWOOD SPECIES

(Except as otherwise provided in Appendix A, § 1382.163)

Widths and/or Lengths and Grade:	*Maximum additions to maximum price established in § 1382.163 for lumber in corresponding standard grade and thickness*
5″ or 6″ and wider; 8′ and longer, No. 1 Common and No. 2 Common	$2.00
6″ and wider; 8′ and longer, Selects	2.00
10′ and longer or 12′ and longer, No. 2 Common	2.00
7″ and wider; standard lengths, No. 1 Common and Better	8.00
8″ and wider; standard lengths, No. 1 Common and Better	12.00
9″ and wider; standard lengths, No. 1 Common and Better	25.00
10″ and wider; standard lengths, No. 1 Common and Better	30.00
12″ and wider; standard lengths, No. 1 Common and Better	35.00
11″ and wider; standard lengths, Step Plank	[1] 35.00
12″ and wider; standard lengths, Step Plank	[1] 40.00
1″ x 4″; standard lengths, No. 3 Common	$1.00
1″ x 5″ and wider; standard lengths, No. 3 Common	1.00
1″ x 6″ and wider; standard lengths, No. 3 Common	1.00
1″ x 7″ and wider; standard lengths, No. 3 Common	2.00
1″ x 8″ and wider; standard lengths, No. 3 Common	4.00
1″ x 9″ and wider; standard lengths, No. 3 Common	5.00

[1] Add to FAS price.

All one width. Same price as for the same width and wider, except as otherwise specifically provided for above or in Appendix A, § 1382.163.

6′ and shorter. Deduct $2.00 except where otherwise specifically provided for in Appendix A, § 1382.163.

On items of No. 3 Common in above schedule for stock 8′ and longer, add $1.00 per M′ to maximum price for random lengths.

NOTE: The maximum additions provided for No. 3 Common lumber in 1″ thickness in the widths specified, shall also apply to stock 5/4″ and 6/4″ thick in the same widths.

[Above paragraph added by Am. 8, 8 F.R. 14136, effective 10-15-43.]

[Subparagraph (2) amended by Am. 5, 8 F.R. 5629, effective 5-4-43; and Am. 12, effective 5-30-44.]

(c) *Additions.* Additions to the maximum prices established in this section may be charged in accordance with provisions of paragraph (d) of § 1382.163, Appendix A.

§ 1382.165 *Appendix C: Maximum prices for Northern hardwood lumber in "non-standard special" grades or items*—(a) *Application of Appendix C.* (1) This section shall apply to Northern hardwood lumber which is sold on special specifications not covered by Appendix A or B, §§ 1382.163 or 1382.164.

(2) For purposes of this section the term "Northern hardwood lumber" shall include all items of lumber in the species set forth in paragraph (a) (3) (i) of § 1382.159, but shall not include the fol-

lowing items: (The term "items" includes specifications, workings, services and/or extras.)

(i) Glued stock.
(ii) Moulding.
(iii) Shiplap.
(iv) Risers, step treads, thresholds, handrails.
(v) Bevel and drop siding.
(vi) Flooring.
(vii) Switch, cross, and mine ties.
(viii) Mine material.
(ix) Small dimension stock.
(x) Lath.
(xi) Navy oak ship stock (see Maximum Price Regulation No. 281).

[Item (xi) added by Am. 6, 8 F.R. 8945, effective 7-3-43.]

(b) *Maximum prices for combination grades.* Where Northern hardwood lumber is sold on a Log Run, Mill Run, or No. 1 Common and Better grade for which no maximum price has been established in Appendix A, § 1382.163, the maximum price shall be the maximum price established in that section for the lowest grade of lumber contained in the stock that is sold on such special inspection grade. The seller, however, may grade and ship the lumber on the standard grades included in such special inspection grade and invoice the footage in each of the standard grades at a price not to exceed the maximum price established in this Maximum Price Regulation No. 223 for the respective standard grades.

(c) *Maximum prices for "non-standard special" grades and items other than combination grades.* (1) Northern hardwood lumber, sold on special grades or specifications or with special services or other extras not specifically mentioned in Appendix A or B, is nevertheless subject to this regulation. The maximum price is a price which bears the October 1941 relation to the most comparable standard item. The seller should find his price difference between the special item and this most comparable standard item in October 1941 or the first month before that in which he had sales of both items, or if this is impossible, the price differential he would have used. This difference is then added to or subtracted from the maximum price of the comparable standard grade and the result is the maximum price for the special grade. This price must be reported to the Office of Price Administration, Washington, D. C. on OPA Form 323:1, given in paragraph (3) below. It may be ordered reduced, if it is found excessive. But, if the price is not disapproved within 30 days of the receipt of the report, it is approved. Applications for approval of maximum prices for special grades and items under this section will be considered only when accompanied by (i) a true copy of the order or of customer's inquiry on the basis of which the application has been submitted; and (ii) a statement certified to be true by the purchaser or prospective purchaser to the effect that none of the grades specifically priced in the regulation will serve the purpose for which the stock is intended to be used, which purpose is to be stated; that it has been his custom to purchase lumber on such special specifications. Approval of the price will be conditional on a finding that the purpose for which the special grade item is to be used is classified by the War Production Board as essential to the war effort. Prices, when approved, for such special grades or items will be based on the price differential previously established between the particular special item requirement and the related grade rule specification.

(2) A seller using this pricing section can go ahead with delivery of the lumber and collection of the price he has computed or requested. But, he must tell the buyer that the price is subject to revision within the thirty-day period, and, if the price is ordered reduced, must refund any excess over the final approved price.

(3) Copies of Form 323:1 can be obtained from the Office of Price Administration, or Form 323:1 can be reproduced by the seller, providing no change is made in style or content of the form.

OFFICE OF PRICE ADMINISTRATION

Form 323:1
Lumber Branch — Hardwood Section

Report of Sales of Northern Hardwood Lumber in "Non-Standard Special" Grades or Items other than Combination Grades

Company_____
Address_____
Mill Location_____

SALES OF "NON-STANDARD SPECIAL" GRADES AND ITEMS

(As defined in Appendix C of Maximum Price Regulation No. 223)

(This report must be filed with the Lumber Branch of the Office of Price Administration, Washington, D. C., within 30 days of the date on which the producing mill enters into a contract for the sale of a "non-standard special" grade or item other than a combination grade.)

Date of Order___ Origin of Shipment_____
Order No_____ Destination of Shipment___
Purchaser_____ FOB Mill Price_____
(Including discounts or commissions, if any)

_____ _____ _____ _____
(Species) (Thickness) (Widths) (Lengths)

_____
(Grade or Item Designation)

Differential in relation to most comparable standard or "standard special" grade or item which was employed or would have been employed during October 1-15, 1941_____

Most comparable standard or "standard special" grade or item to which differential is applied_____

Complete description of "non-standard special" grade or item (including a description of any working or treatment and of the condition of the lumber)_____
_____
_____
_____
_____

Detailed explanation of how maximum price was computed or built up_____
_____
_____
_____ _____
(Name) (Office or Title)

Subscribed and sworn to before me, a Notary public, in and for_____
this_____ day of _____, 194___.
(NOTARIAL SEAL) _____
My Commission expires: (Notary Public)

[Paragraph (c) amended by Am. 10, 8 F.R. 17375, effective 1-3-44.]

(d) *Additions.* Additions to the maximum prices established in this section may be charged in accordance with the provisions of paragraph (d) of § 1382.163, Appendix A.

§ 1382.166 *Appendix D: Delivered prices and estimated average weights.* (a) Delivered prices in excess of the maximum f. o. b. mill prices established in this Maximum Price Regulation No. 223 may be charged, consisting of such maximum prices plus the transportation costs permitted by this section: *Provided,* That (1) the invoice shows the point of origin of the shipment, the destination, and the applicable railroad or truck rate, or in place of such rate, where shipment is by motor vehicle owned or controlled by the seller, the amount added for transportation; and (2) the invoice is marked "direct mill shipment".

(b) Where shipment is exclusively by motor vehicle owned or controlled by the seller, the charge may be no greater than the actual cost to the seller of delivery by motor vehicle; and in no event shall the charge exceed the railroad charge at the carload rate for the most nearly comparable haul. If the actual cost is less than such railroad charge, only the actual cost may be added to the maximum price.

(c) Where shipment is by common or contract carrier, the amount added for transportation may be no greater than the actual amount paid to the carrier, except as provided in paragraph (d) of this section: *Provided,* That where shipment is by both rail and truck (either owned or controlled by the seller or a common or contract carrier), the following shall govern:

(1) Where shipment is by rail followed by truck delivery, the amount added for transportation may include, in addition to the amount added for rail transportation, the actual cost of truck delivery, provided such cost is shown separately on the invoice.

(2) *Trucking to railhead.* When a truck haul precedes rail shipment, as when a mill located away from a railhead hauls lumber by truck to the railhead, no addition may be made for the truck haul. However, in the following two cases a mill may apply for special permission to make an addition:

(i) Where the mill was located away from rail connections because it specialized in water-borne lumber, and where shortage of shipping has forced it to operate by rail;

(ii) Where a mill's rail connection has been abandoned since September 5, 1941.

The application should be made by letter to the Lumber Branch of the Office of Price Administration, Washington, D. C. The addition may not be made on quotations or sales until permission has been received.

[Subparagraph (2) amended by Am. 9, 8 F.R. 15193, effective 11-8-43 and Am. 10, 8 F.R. 17375, effective 1-3-44.]

(d) In computing transportation costs, the following practices are permitted:

(1) The computation of transportation costs on the basis of the applicable freight rate and the appropriate estimated average weights set forth in paragraph (e) of this section.

(2) The charging of a sum equivalent to the one-quarter of a dollar nearest to the transportation costs per 1,000 feet of lumber, computed in accordance with subdivision (1) of this paragraph.

(e) (1) The estimated average weights for Northern hardwood lumber in a green or rough air dried condition, shall be as follows:

Species:	*Pounds per 1,000 feet BM*
Brown Ash	3,300
Basswood	2,500
Beech	4,000
Birch	4,000
Rock Elm	4,000
Soft Elm	3,200
Hard Maple	4,300
Soft Maple	3,700
Oak	4,000

(2) The estimated average weights for Northern hardwood lumber in an air dried condition worked as indicated, shall be as follows:

WEIGHTS IN POUNDS PER 1,000 FEET BM

Species	S1S or 2S	S1S or 2S & Resawn One cut	S1S or 2S & Resawn Two cuts	Rough Resawn 1 cut	Rough Resawn 2 cuts	D & M or S4S
Ash	2,800	2,600	2,400	3,000	2,800	2,500
Basswood	2,000	1,800	1,700	2,200	2,000	1,800
Beech	3,500	3,300	3,100	3,700	3,500	3,200
Birch	3,500	3,300	3,100	3,700	3,500	3,200
Hard maple	3,800	3,600	3,400	4,000	3,800	3,500
Rock elm	3,500	3,300	3,100	3,700	3,500	3,200
Soft elm	2,700	2,500	2,300	2,900	2,700	2,300
Soft maple	3,200	3,000	2,800	3,400	3,200	2,800
Oak	3,500	3,300	3,100	3,700	3,500	3,200

[Subparagraph (2) added by Am. 2, 8 F.R. 121, effective 1-6-43.]

(3) The estimated average weights for Northern Hardwood Lumber in a kiln dried condition shall be the average weights established in subparagraphs (1) and (2) of this paragraph (e) decreased by the average difference in weight between air dried lumber and kiln dried lumber in the particular species and in the condition shipped. This average difference shall be calculated on the basis of the experience during the year 1941 of the mill which produced the lumber shipped.

[Subparagraph (3), formerly (2), amended by Am. 2, 8 F.R. 121, effective 1-6-43.]

NOTE: All record keeping and reporting requirements of this regulation have been approved by the Bureau of the Budget, in accordance with Federal Reports Act of 1942.

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7509; Filed, May 25, 1944; 11:30 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 124]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

*Copies may be obtained from the Office of Price Administration.

[1] 8 F.R. 15937.

Ration Order 5C is amended in the following respect:

Section 1394.7851 (b) (2) (ix) is added to read as follows:

(ix) For the necessary travel of any person specifically designated by the Chairman of the Marketing Committee of the appropriate District of the Petroleum Administration for War, for the purpose of conducting a program of public or industry instruction approved by such Chairman in regard to the need for conserving gasoline and the methods of accomplishing such conservation.

(*a*) The applicant shall present to the Board a letter from such Chairman stating that travel by the applicant is necessary to conduct such gasoline conservation program. The letter shall also state the amount of mileage required by the applicant for such purpose and the period in which the necessary travel will be accomplished.

(*b*) No mileage shall be allowed under this subdivision to any person who will not devote his full time to the conservation program during the valid period of the ration.

This amendment shall become effective May 29, 1944.

NOTE: The reporting and record keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, 7 F.R. 562; Supp. Dir. No. 1Q, 7 F.R. 9121; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7516; Filed, May 25, 1944; 11:33 a. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,[1] Amdt. 127]

MILEAGE RATIONING: GASOLINE REGULATIONS

A rationale accompanying this amendment issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Ration Order 5C is amended in the following respects:

1. Section 1394.8112 (a) is amended to read as follows:

(a) Every consumer who has in his possession or control any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D which were issued to him as a ration and which have not expired may surrender such coupons to the Board having jurisdiction to renew such ration. If such a ration is surrendered before it has expired, the Board shall issue to the consumer, in exchange for such coupons valid ration evidences of any appropriate class having the same expiration date or earliest renewal date as the rations surrendered and having a gallonage value to be determined as follows:

2. Section 1394.8112 (b) is amended to read as follows:

[1] 8 F.R. 15937.

(b) The Board shall either issue appropriate ration evidences only sufficient to provide the aggregate gallonage value of the coupons surrendered, or it shall review the application on the basis of which the surrendered ration was issued, and, in such a case, shall issue appropriate ration evidences sufficient to provide for the established mileage or gallonage need of the consumer until the expiration date or earliest renewal date of the surrendered ration, but not in excess of the gallonage value of the coupons surrendered.

3. Section 1394.8153 (a) (9) is added to read as follows:

(9) On and after June 1, 1944, no transfer may be made in exchange for any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R528D.

4. Section 1394.8206b (a) (15) is added to read as follows:

(15) After June 20, 1944, any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D.

5. Section 1394.8207 (e) is added to read as follows:

(e) On and after June 11, 1944, no distributor shall transfer or offer to transfer gasoline to any dealer and no dealer shall accept a transfer of gasoline from any distributor in exchange for any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D.

6. Section 1394.8215 (i) is added to read as follows:

(i) (1) Immediately upon the close of business on May 31, 1944, each dealer who has in his possession or control Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D which he acquired before June 1, 1944, in exchange for lawful transfers of gasoline, shall attach each type of such coupons to separate gummed sheets (OPA R-120) to which no other coupons are attached. Each dealer shall summarize such coupons on a summary form (OPA R-541) on which no other coupons are listed. On or before June 10, 1944, each dealer shall surrender such coupons and summaries either to a distributor in exchange for a transfer of gasoline, or to the Board having jurisdiction over the area in which his place of business is located, in exchange for inventory coupons equal in gallonage value to the coupons so surrendered.

(2) After June 10, 1944, no distributor shall accept from any dealer or distributor any Class B-2 or C-2 coupons issued on Forms OPA R-527D or R-528D nor shall any distributor make any transfers of gasoline in exchange for such coupons. On or before June 20, 1944, each distributor shall deposit in appropriate ration bank accounts maintained by him any such coupons received by him in exchange for any lawful transfer of gasoline made on or before June 10, 1944.

This amendment shall become effective June 1, 1944.

NOTE: The reporting and/or record-keeping requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7511; Filed, May 25, 1944; 11:31 a. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 13,[1] Amdt. 35]

PROCESSED FOODS

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.*

Section 27.1 (a) (10) (v) is amended by substituting the word "spaghetti" for the word "tomato".

This amendment shall become effective May 29, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong., E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; War Food Order No. 56, 8 F.R. 2005, 9 F.R. 4320, and War Food Order No. 58, 8 F.R. 2251, 9 F.R. 4320)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7517; Filed, May 25, 1944; 11:33 a. m.]

PART 1429—POULTRY AND EGGS

[RMPR 269,[2] Amdt. 29]

POULTRY

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Revised Maximum Price Regulation No. 269 is amended in the following respects:

1. Section 1429.19 (h) (1) (i) (*a*) is amended to read as follows:

(*a*) *Temporary maximum base prices for specific portions of poultry and for poultry fat in the basing point cities.* The following Temporary Table A–1 establishes temporary maximum base prices, first, for the wings, legs and breasts of "cut-up poultry", second, for the other specified portions of any poultry item and, third, for poultry fat. These prices, which apply to the enumerated portions and fats delivered at the buyer's customary receiving point in the basing point cities, may be revoked at any time.

TEMPORARY TABLE A–1

(Prices are in cents per pound)

Portions of "cut-up poultry"	Eastern zone basing point city	Western zone basing point cities	
	Chicago	New York	Pacific coast—Los Angeles, San Francisco, Seattle, and Portland
Wings	28.9	29.9	30.4
Legs	60.6	61.6	62.1
Breasts	60.6	61.6	62.1
Portions of any poultry item			
Wing tips, back, neck, or skin	13.1	14.1	14.6
Liver	68.1	69.1	69.6
Gizzard or heart	[1] 28.9	[1] 29.9	[1] 30.4
Poultry fat			
Raw poultry fat	53.0	54.0	54.5
Government inspected raw poultry fat	58.0	59.0	59.5
Rendered poultry fat	72.5	73.5	74.0
Government inspected rendered poultry fat	77.5	78.5	79.0

[1] If the gizzard is not cleaned by removing the contents and lining, the base price shall not exceed ½ of the maximum base price for gizzards as established by this Temporary Table A–1.

2. Section 1429.19 (i) (3) (ii) is amended to read as follows:

(ii) The gizzard of each bird must be cleaned by removing the contents and lining. The cleaned gizzard, heart and liver must all either be inserted within the carcass of the bird from which taken or else all three items must be excluded from the carcass and sold separately at prices not in excess of those established under Temporary Table A–1 of this section for the corresponding portions.

Dressed poultry items not drawn as herein described shall be sold at prices not exceeding those established for the corresponding dressed poultry items, in Table A of this section.

3. Section 1429.19 (i) (4) (v) is amended to read as follows:

(v) The giblets of each bird must be removed and cleaned. All giblets must then either be wrapped in water resistant paper and replaced in the bird from which taken, or else all must be excluded from the bird and sold separately at prices not in excess of those established in Table A–1 of this section for the corresponding portions.

4. Section 1429.19 (i) (4) (x) is amended to read as follows:

(x) The prices established for "frozen eviscerated poultry" items in this section shall apply only when such "frozen eviscerated poultry" items completely meet the requirements listed in this definition. A discount of ¾ cent per pound shall be deducted from the maximum base price for any "frozen eviscerated poultry" item which is not individually weighed, packaged, and identified as provided for in subdivision (vii) of this definition, but which otherwise meets all the requirements of this definition, and is packaged in bulk for sale to institutional, industrial, commercial, or governmental users, or for sale to distributors selling to such users: *Provided,* That a statement is printed on or attached to the exterior of each bulk package certifying that the eviscerated poultry contained therein was eviscerated under federal inspection, and showing the identity of the eviscerator.

In no event may any processed poultry item be sold as "frozen eviscerated poultry" unless all the requirements established for "frozen eviscerated poultry" have been met. If some, but not all, of those requirements have been met, the processed bird, if drawn in accordance with all the requirements established for drawn poultry, shall be sold at a price not in excess of that established for corresponding drawn poultry items in Table A. If not drawn in accordance with all the requirements established for drawn poultry, then the dressed bird shall be sold at a price not in excess of that established for a corresponding dressed poultry item in Table A.

This amendment shall become effective May 30, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7513; Filed, May 25, 1944; 11:31 a. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 511,[3] Correction]

OATS, BARLEY AND GRAIN SORGHUMS

Section 1439.11 of Maximum Price Regulation No. 511 is corrected to read as follows:

§ 1439.11 *Maximum prices for oats, barley and grain sorghums.* Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders 9250 and 9328, Maximum Price Regulation No. 511, which is annexed hereto and made a part hereof, is hereby issued.

This correction shall become effective on May 25, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7512; Filed, May 25, 1944; 11:31 a. m.]

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*Copies may be obtained from the Office of Price Administration.

[1] 9 F.R. 3, 104, 574, 695, 765, 848, 1397, 1727, 1817, 1908, 2233, 2234, 2240, 2440, 2567, 2791, 3032, 3073, 3513, 3579, 3708, 3710, 3947, 3944, 4026, 4351, 4475, 4604, 4818, 4876, 4881.

[2] 7 F.R. 10708, 10864, 11118; 8 F.R. 567, 856, 878, 2289, 3316, 3419, 3792, 6736, 9299, 10940, 11[illegible]1, 13302, 13303, 13813, 14016, 15258, 14854, 15190, 16793; 9 F.R. 95, 612, 902, 906, 1036, 1941, 3233, 3345.

[3] 9 F.R. 1519, 4133.

PART 1499—COMMODITIES AND SERVICES

[Rev. SR 14 to GMPR, Amdt. 135]

WHITE RYE FLOUR ADHESIVES FOR CORRUGATED PAPER BOARD

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

Section 4.26 is added to read as follows:

SEC. 4.26 *White rye flour adhesives for corrugated paper board*—(a) *Applicability*—(1) *Products.* This section applies to adhesives made from chemically treated white rye flour and sold for use in the manufacture of corrugated paper board.

(2) *Geographical applicability.* This section 4.26 applies to the forty-eight states of the United States and the District of Columbia.

(b) *Maximum prices.* (1) The maximum price per 100 pounds for the sale and delivery of a white rye flour adhesive, subject to this section, by any person, shall be the seller's maximum price established under the General Maximum Price Regulation, plus an amount computed by multiplying 65 cents by the percentage by weight of white rye flour contained in the product.

(2) Where the seller's maximum price is determined under § 1499.3 (b) of the General Maximum Price Regulation, the maximum price to be used for the comparable product shall be the maximum price established under § 1499.2 (a) (1), and the report or application required by § 1499.3 (b) shall be filed with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. Such report or application shall include the percentage by weight of white rye flour in the product.

(c) *Notification.* Every seller who increases his maximum price on a white rye flour adhesive under the provisions of this section shall, with or prior to the first delivery at the increased price, furnish each purchaser who is not an ultimate consumer a copy of this section 4.26 of Revised Supplementary Regulation No. 14, and a written notice containing the following information:

(1) Maximum price for sales of the product to that purchaser as determined under the General Maximum Price Regulation.

(2) Adjusted maximum price for sales of the product to that purchaser under this section.

(d) *Reports.* Each seller of a product subject to this section shall file with the Chemicals and Drugs Branch, Office of Price Administration, Washington, D. C. before June 1, 1944, a report containing the following information:

(1) The name or trade designation of each white rye flour adhesive sold by him for use in the manufacture of corrugated paper board.

(2) The percentage by weight of white rye flour in each product.

(3) The maximum price for each product under the General Maximum Price Regulation.

(4) The maximum price calculated under this section. A supplemental report containing the same information shall be filed prior to the first delivery to a buyer of any new or different white rye flour adhesive subject to this section not included in previous reports.

This amendment shall become effective May 30, 1944.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-7514; Filed, May 25, 1944; 11:32 a. m.]

*Copies may be obtained from the Office of Price Administration.

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

AMENDMENTS TO REGULATIONS AND APPROVAL OF EQUIPMENT

By virtue of the authority vested in me by R.S. 4405, 4417a, 4426, 4481, 4482, 4488, 4491, as amended, 49 Stat. 1384, 1544, 54 Stat. 163–167 (46 U.S.C. 375, 391a, 404, 474, 475, 481, 489, 369, 367, 526–526t), and Executive Order 9083, dated February 28, 1942 (7 F.R. 1609) the following amendments to the regulations and approval of equipment are prescribed:

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

ESCAPE PANELS

Section 153.21 is deleted and the following is substituted in its stead:

§ 153.21 *Means of escape on vessels*—(a) *Means of escape on new vessels.* On mechanically propelled ocean and coastwise passenger, cargo, and tank vessels, certificated for the first time after 1 October, 1944, the means of escape or emergency exits required by this section shall be provided.

(b) *Definitions.* Certain terms used in this section are defined as follows:

(1) A "crash panel" is a panel of frangible material or a panel of non-frangible material which, when installed in an opening in a door or other structure, may be readily removed by kicking out.

(2) An "escape panel" is a panel of metal or other non-frangible material hinged or otherwise secured over an opening by "dogs" or other means.

(3) An "escape hatch" is a covering over an opening in a deck or other structure, hinged or otherwise secured to such deck or structure.

(c) *Number and arrangement of means of escape or emergency exits for new vessels.* Plans and specifications showing location, type and arrangement of means of escape or emergency exits shall be submitted to Headquarters for approval. Deviation from the requirements will be considered only when it is shown to the satisfaction of Headquarters that such deviation is unavoidable due to construction features. In all cases, when plans are submitted to and approved by Headquarters and the escapes are installed in accordance with the plans, the vessel shall be considered to be in complete compliance with the regulations. The means of escape or emergency exits shall be provided and arranged as follows:

(1) Each room occupied by one or more persons shall have at least two means of emergency exit and each passageway, compartment, public room, or space serving or containing more than two rooms shall have at least three means of emergency exit. Spaces used as storerooms are not required to be fitted with crash panels, escape panels, or escape hatches.

(2) Each public bath room, wash room, or toilet room, accommodating four (4) or more persons at one time shall have at least two means of emergency exit. The exits may be of any type specified in this section but where entrance doors are not fitted or where half doors are fitted to such bath rooms, wash rooms, or toilet rooms, no other means of escape shall be required.

(3) The exits for each space shall be located as remotely from each other as possible to reduce the likelihood of damage blocking all avenues of escape.

(4) In general, where there are four or more widely separated means of escape from a deckhouse, it will not be necessary to provide these doors with offset hinges or escape panels.

(5) In no case shall a main fire screen bulkhead be pierced to provide a secondary means of escape, nor shall any watertight bulkhead, watertight deck, or watertight door below the bulkhead deck be pierced for the installation of emergency escapes.

(6) Brigs or other spaces for the confinement of persons need be equipped with only one means of emergency exit which shall be a door of the type specified in paragraph (e) (2) of this section and which may be capable of being secured from the outside.

(7) On mechanically propelled vessels of over 1,000 gross tons it is also required that at least two wire or chain ladders (one on each side) leading directly to the highest part of the engine room casing shall be provided and arranged in a way most likely to allow the escape of engine room personnel in the event of damage to the fixed ladders and gratings. On steam vessels a similar ladder shall be provided in the fire room running through the ventilator if practicable. Such ladders are not to be hauled taut. They are to be lashed loosely at the floor plates.

(d) *Designs and arrangements for means of escape for new vessels.* The following requirements shall be followed

in the design and installation of means of escape or emergency exits:

(1) The crash panels, escape panels, and escape hatches shall be operable without the use of tools.

(2) All crash panels shall be designed and installed for ready removal from either side.

(3) Crash panels shall have the same fire-resistive qualities as the door or structure in which they are installed.

(4) The crash panels, escape panels, and escape hatches shall have a minimum clear opening of 18" x 18" or 18" diameter; however, where it can be shown that this size opening is unreasonable or impracticable, a minimum clear opening of 16" x 16" or 16" diameter may be allowed.

(5) Crash panels shall be of frangible material substantially secured to the door or other structure or shall be of non-frangible material and so installed that the fastenings will give way easily when kicked, allowing the panel to be removed whole. The escape openings shall be free from garment entangling projections. The crash panel shall be marked with a suitable permanent notice placed on the side from which it is to serve as an exit. A suggested marking is:

EMERGENCY

CRASH PANEL

KICK OUT

(6) All escape panels and escape hatches shall be arranged so that they may be operated from either side. They shall be clearly marked "emergency exit". A maul or a short length of pipe shall be available to free jammed "dogs" where doors and hatches are fitted with "dogs". Where escape panels and escape hatches are so located that there is a possibility of cargo, equipment, or stores interfering with their operation, special care shall be taken to guard against such interferences.

(e) *Acceptable means of escape or emergency exits for new vesels.* As one means of escape or emergency exit, each of the following will be considered satisfactory:

(1) A door having a crash panel or escape panel.

(2) A door without a crash panel or escape panel and with offset hinges so arranged that it fits against the face of the frame with a bearing surface of at least one-half inch, and no part of the door inside the frame.

(3) A crash panel or escape panel in a bulkhead.

(4) An entrance opening to a room to which no door is fitted.

(5) Escape hatch fitted in a deck. Necessary ladders, steps, or hand grabs to insure quick exit shall be fitted in order to reach the escape hatch.

(6) A porthole with a clear opening at least 16" in diameter or a window of at least 16" by 16" when located in a deckhouse and fitted where necessary with steps, hand grabs, or ladders. Portholes in the shell leading directly overboard shall not be considered as a means of escape.

(7) A skylight that may be easily opened at point of exit when fitted with a ladder to afford quick exit and the passage of a person through the skylight will not necessitate the removal or cutting of metal screens or blackout equipment. Skylights which are operated by remote control are not considered as satisfactory means of exit.

(f) *Means of escape on existing vessels.* On all mechanically propelled ocean and coastwise passenger, cargo and tank vessels which are certificated on or prior to 1 October, 1944, the number of means of emergency exits prescribed in this section shall be complied with, insofar as conditions permit. Such compliance shall be made at the time of annual inspection or at such other times as may be appropriate, so as to cause the least interference with the operation of the vessel. While it is not intended that vessels be delayed for non-compliance, it is expected that diligent efforts will be made to meet this requirement as rapidly as is possible.

(g) *Administration.* When the requirements concerning emergency escapes have been substantially complied with to the satisfaction of Headquarters or the District Coast Guard Officer of one district, subsequent changes or additions shall not be required by the District Coast Guard Officer of another district, without prior approval by Headquarters.

Subchapter J—General Rules and Regulations for Vessel Inspection, Rivers

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFESAVING APPLIANCES

Section 113.14 is amended by the addition of the following paragraph:

§ 113.14 *Carrying capacity of lifeboats.* * * *

Every lifeboat shall have sufficient room, freeboard, and stability to safely carry the number of persons allowed to be carried by the above rule, which fact shall be determined by actual test in the water at the time of the first inspection of the lifeboat, except that where a vessel is carrying lifeboats of different types or capacities, at least one lifeboat of each type or capacity shall be so tested.

APPROVAL OF EQUIPMENT

DISENGAGING APPARATUS FOR LIFEBOATS

Rottmer type releasing gear for use with 24' x 8' x 3'5" lifeboat (Arrangement and Assembly Dwg. No. S82-1-28 dated 28 April, 1944) (Maximum working load of 7,650 pounds per hook, 15,300 pounds per set), submitted by the Imperial Lifeboat & Davit Company, Inc., Athens, N. Y.

LIFEBOATS

16' x 5.5' x 2.3' metallic oar-propelled lifeboat (121 cu. ft. capacity, .6 rule) (General Arrangement and Construction Dwgs. Nos. 557-A, 557-B, and 557-C, dated 10 March, 1944), for use on lakes, bays, sounds and rivers (capacity limit, 12 persons all services), constructed by the Boatcraft Company, Cor. Cropsey & 26th Ave., Brooklyn, N. Y.

24' x 8' x 3'8¾" metallic oar-propelled (Coast Guard built-in-tank type) lifeboat (436 cu. ft. gross, S.R. capacity) (General Arrangement Dwg. No. 5US-935, dated 4 April, 1944), submitted by the Globe American Corp., Kokomo, Ind.

24' x 8' x 3'8¾" metallic motor-propelled (Coast Guard built-in-tank type) lifeboat (436 cu. ft. gross, S.R. capacity) (General Arrangement Dwg. No. 5US-934, dated 4 April, 1944), submitted by the Globe American Corp., Kokomo, Ind.

LIFE PRESERVER

Adult kapok life preserver, Navy Type 23J1c (C & R Plan No. 83927 and 83928, Alts. 2 January, 1934, and Navy Specification 23J1c, dated 1 December, 1936, Approval No. B-214, manufactured by the Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, N. Y. (For general use and not for use with rubber lifesaving suits.)

SEA ANCHOR

Sea anchor, Type N-1 (U. S. Coast Guard Dwg. No. MM1-562 and specification dated 1 November, 1943), submitted by Neptune Accessories, 190 Columbia Heights, Brooklyn, N. Y.

L. T. CHALKER,
Rear Admiral, USCG.
Acting Commandant.

MAY 25, 1944.

[F. R. Doc. 44-7518; Filed, May 25, 1944; 11:45 a. m.]

Chapter III—War Shipping Administration

[Rev. G. O. 6, Supp. 5]

PART 305—INSURANCE

CARGO INSURANCE

Subpart A—Cargo insurance, of General Order 6, Revised, is amended as follows:

1. Effective thirty (30) days from and after the date of publication of this supplement in the FEDERAL REGISTER, § 305.1 *Introductory* (8 F.R. 3423) is amended by striking out the first paragraph and inserting in lieu thereof the following:

§ 305.1 *Introductory.* War Shipping Administration is prepared to provide marine insurance against loss or damage by the risks of war on only the following described shipments of cargo in the water-borne commerce of the United States and its territories and possessions which is in the interest of the war effort or the domestic economy of the United States as determined by the Administrator:

	Commerce code No.
(1) Imported coffee, raw or green	1511.000–1511.100
(2) Cocoa or cacao beans shipped by water from South American ports	1501.300
(3) Cresylic acid	8010.050; 8020.100
(4) Chrome ore, manganese ore shipped by water from ports in India or Ceylon.	6211.000–6211.300 6213.100–6213.500

2. Effective from the date of the publication of this supplement in the FEDERAL REGISTER, § 305.118 *Warshipopencargo policy form* (8 F.R. 3423, 8875, 15800) is amended by adding the following Clause 21 to Part II of Warshipopencargo form:

21. *Clause paramount.* Notwithstanding any of the terms of this policy, or any provisions set forth in the regulations to a contrary effect, it is understood and agreed that with respect to shipments:

(a) Under ocean bills of lading dated on or after the 25th day of June, 1944 or

(b) If ocean bills of lading not issued, under equivalent shipping documents dated on or after said date, or

(c) If no ocean bills of lading or equivalent shipping documents are issued, or the same are undated, laden on overseas vessel on and after said date,

this policy shall cover only the following described shipments as otherwise insured hereunder and no others:

	Commerce code No.
(1) Imported coffee, raw or green	1511.000–1511.100
(2) Cocoa or cacao beans shipped by water from South American ports	1501.300
(3) Cresylic acid	8010.050; 8020.100
(4) Chrome ore, manganese ore shipped by water from ports in India or Ceylon.	6211.000–6211.300 6213.100–6213.500

(E.O. 9054, 7 F.R. 837, 54 Stat. 689, as amended)

[SEAL] E. S. LAND, *Administrator.*

MAY 24, 1944.

[F. R. Doc. 44–7461; Filed, May 24, 1944; 3:43 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 95—CAR SERVICE

[1st Rev. S. O. 205]

REFRIGERATOR CARS AT ROSEVILLE, SAN JOSE AND STOCKTON, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 24th day of May, A. D. 1944.

It appearing, that the initial bunker icing at Watsonville Junction, California, of refrigerator cars loaded with fresh or green vegetables originating in the Salinas-Watsonville district of California, requires the shipment of ice from other points to Watsonville Junction, thereby interfering with the best utilization of cars, congesting traffic and wasting transportation; in the opinion of the Commission an emergency exists requiring immediate action: *It is ordered,* That:

§ 95.339 *Refrigerator cars, initial bunker icing at Roseville, San Jose or Stockton.* (a) For carriers' convenience refrigerator cars loaded with shipments of fresh or green vegetables originating in the Salinas-Watsonville district of California (defined herein as stations on the Southern Pacific Company, Coast Division, between King City, California, and Gilroy, California, including Santa Cruz, Monterey and Hollister branches), may be intially bunker iced by the Southern Pacific Company at Roseville, California, or by the Western Pacific Railroad Company at San Jose or Stockton, California, where bunker icing on such shipments is not otherwise prohibited by order of this Commission.

(b) *Tariff provisions suspended.* The operation of all tariff rules, regulations, or charges insofar as they conflict with the provisions of this order is hereby suspended.

(c) *Announcement of suspension.* Each of such railroads or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby announcing the suspension of any of the provisions therein. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)–(17))

It is further ordered, That this order shall become effective at 12:01 a. m., May 29, 1944, and shall supersede Service Order No. 205 on the effective date hereof; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 44–7497; Filed, May 25, 1944; 11:17 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Docket No. G–539]

NORTHERN NATURAL GAS CO.

NOTICE OF AMENDED APPLICATION

MAY 25, 1944.

Notice is hereby given that on May 23, 1944, Northern Natural Gas Company (Applicant) filed with the Federal Power Commission an amended application under section 7 of the Natural Gas Act, as amended, seeking authority to acquire from Council Bluffs Gas Company and operate the following described facilities:

(1) Approximately 535 feet of 16-inch O. D. coupled steel pipe line, beginning at the outlet of a 16-inch gate valve located approximately 54 feet east of the interconnection of Applicant's proposed 8⅝-inch pipe line located in Pottawattamie County, Iowa, (described in the original application) and the 16-inch pipe line proposed to be acquired, and extending in a westerly direction to Applicant's 14-inch pipe line on the Douglas Street Bridge spanning the Missouri River between Council Bluffs, Iowa, and Omaha, Nebraska;

(2) A 6-inch orifice meter run and appurtenances thereto located at the beginning of the 16-inch pipe line proposed to be acquired;

(3) A meter station building located near the terminus of the proposed 8⅝-inch pipe line located in Pottawattamie County, Iowa.

Any person desiring to be heard or to make any protest with reference to this amended application should, on or before June 3, 1944, file with the Federal Power Commission a petition or protest in accordance with the Commission's provisional rules of practice and regulations under the Natural Gas Act.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 44–7489; Filed, May 25, 1944; 11:00 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 178, Special Permit 126]

LOADING OF CHEESE AT FREEPORT, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.329, 9 F.R. 542) of Service Order No. 178 of January 11, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Service Order No. 178 insofar as it applies to the loading of two refrigerator cars with cheese and spread in glass by Kraft Cheese Company, at Freeport, Illinois, and the movement of the two such cars so loaded from that point not later than May 24, 1944, to Jersey City, New Jersey, and to Omaha, Nebraska.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1944.

V. C. CLINGER, *Director, Bureau of Service.*

[F. R. Doc. 44–7498; Filed, May 25, 1944; 11:18 a. m.]

[S. O. 200, Special Permit 16]

REICING OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, at Chicago, Illinois, May 20, 1944, as ordered by Edw. H. Anderson & Company, cars of potatoes, WFE, 63707, BRE 75037; WFE 67013 and WFE 32325, then on the Chicago Produce Terminal, account necessary to preserve contents over the weekend.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the gen-

eral public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7499; Filed, May 25, 1944; 11:18 a. m.]

[S. O. 200, Special Permit 17]

REICING OF POTATOES AT DALHART, TEX.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402), of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice one time only, to full bunker capacity, as ordered by the U. S. Army, cars of potatoes: IC 52058, moving from Denver, Colorado, May 22, 1944, to Ft. Bliss, Texas (routed C. & S.—F. W. & D. C.—C. R. I. & P.—Sou. Pac.), reice at Dalhart, Texas; and NWX 8121, moving from Denver, Colorado, May 22, 1944, to Fort Sam Houston, Texas (routed C. & S.—Ft. W. & D. C.—M. K. T.), reice at Amarillo, Texas.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 22d day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7500; Filed, May 25, 1944; 11:18 a. m.]

[S. O. 200, Special Permit 18]

REFRIGERATION OF POTATOES AT NORFOLK, VA.

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To accord standard refrigeration on car FGE 15378, potatoes, shipped May 23 or 24, 1944, by Guy W. Capps of Norfolk, Virginia, to the Commissary Officer, Naval Operating Base, Key West, Florida (Routed S. A. L. % Miami Overseas Transportation).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7501; Filed, May 25, 1944; 11:18 a. m.]

[S. O. 200, Special Permit 19]

REICING AT CHICAGO PRODUCE TERMINAL

Pursuant to the authority vested in me by paragraph (e) of the first ordering paragraph (§ 95.337, 9 F.R. 4402) of Service Order No. 200 of April 22, 1944, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To reice FGE 38247, WWX 7659 and WFE 67258, now on Chicago Produce Terminal, shipped from Atmore, Alabama, to Ed. H. Anderson, Chicago, Illinois.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 23d day of May 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-7502; Filed, May 25, 1944; 11:18 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 630, Amdt.]

PIERONI, INC.

Vesting Order Number 630, dated January 6, 1943, is hereby amended as follows and not otherwise:

By deleting therefrom paragraph 2 and substituting therefor the following:

2. Finding that 155 shares of no par value capital stock of Pieroni, Inc., a Massachusetts Corporation, Boston, Massachusetts are registered in the names of and owned by the aforesaid individuals in the following respective amounts:

Names:	*Number of shares*
Louis Pieroni	65
Amedeo Pieroni	40
Brunilde Maddeleni	50
Total	155

All other provisions of said Vesting Order Number 630 and all action taken on behalf of the Alien Property Custodian in reliance thereon, pursuant thereto and under the authority thereof, are hereby ratified and confirmed.

Executed at Washington, D. C. on May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-7472; Filed, May 25, 1944; 10:47 a. m.]

[Vesting Order 3649]

CHRISTIAN BOSSE

In re: Estate of Christian Bosse, deceased; File: D-28-8139; E. T. sec. 9036 (H-75).

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Hawaiian Trust Company, Limited, Executor, acting under the judicial supervision of the Circuit Court of the First Judicial Circuit, Territory of Hawaii;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Ella Bosse Mahnken or her surviving issue, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Ella Bosse Mahnken or her surviving issue, and each of them, in and to the Estate of Christian Bosse, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any

claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7473; Filed, May 25, 1944; 10:47 a. m.]

[Vesting Order 3650]

ANDREW DAIGGER

In re: Estate of Andrew Daigger, deceased; File D–28–3532; E. T. sec. 5706–A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Treasurer of Cook County, County Building, Chicago, Illinois, Depositary, acting under the judicial supervision of the Probate Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Trudi Daigger, Germany.
Katie Daigger, also known as Kaethi Daigger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest.

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

The sum of $11,471.88, which is in the possession and custody of the Treasurer of Cook County, County Building, Chicago, Illinois, Depositary, pursuant to an order of the Probate Court of Cook County, Illinois, entered December 7, 1943, representing the distributive shares of Trudi Daigger and Katie Daigger, also known as Kaethi Daigger, in the matter of the estate of Andrew Daigger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7474; Filed, May 25, 1944; 10:47 a. m.]

[Vesting Order 3651]

ANDREW DAIGGER

In re: Estate of Andrew Daigger, deceased; File D–28–3532; E. T. sec. 5706–B.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Herman B. Schuler, 2716 Pine Grove Avenue, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of Cook County, State of Illinois;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Trudi Daigger, Germany.
Katie Daigger, also known as Kaethi Daigger, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Trudi Daigger and Katie Daigger, also known as Kaethi Daigger, and each of them, in and to the estate of Andrew Daigger, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7475; Filed, May 25, 1944; 10:47 a. m.]

[Vesting Order 3652]

HENRY H. DUNKHASE

In re: Estate of Henry H. Dunkhase, deceased; File D–28–2136; E. T. sec. 2684.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Vernon L. Stouffer, 8 East Broad Street, Columbus, Ohio, Administrator, acting under the judicial supervision of the Probate Court of the State of Ohio, in and for the County of Franklin;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Henry Denker, Germany.
John Dunkhase, Germany.
Frederick Dunkhase, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Mrs. Henry Denker, John Dunkhase and Frederick Dunkhase, and each of them, in and to the estate of Henry H. Dunkhase, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the in-

terest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7476; Filed, May 25, 1944; 10:47 a. m.]

[Vesting Order 3653]

ELIZABETH KAMPFER

In re: Estate of Elizabeth Kampfer, deceased; File No. D–28–7954; E. T. sec. 8845–B.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Fred Heidrich, 5446 Grace Street, Chicago, Illinois, Executor, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of Cook;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Martha (sometimes known as Marie) Frauenrath, Germany.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha (sometimes known as Marie) Frauenrath in and to the estate of Elizabeth Kampfer, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7477; Filed, May 25, 1944; 10:48 a. m.]

[Vesting Order 3654]

PETER LIEBER

In re: Trust under agreement of Peter Lieber, dated May 7, 1894, for Emma Lieber for life; File D–28–3424; E. T. sec. 5065–A.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Indiana Trust Company, Trustee, 117 East Washington Street, Indianapolis, Indiana, acting under judicial supervision of the Probate Court of Marion County, State of Indiana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Emma Lieber Herber, Germany.
Arnold Herber, Germany.
Child or children of Arnold Herber, if any, names unknown, Germany.
Hans Adolph Lieber, Germany.
Child or children of Hans Adolph Lieber, if any, names unknown, Germany.

And determining that—

(3) If such national are persons not within a designated enemy country, the national interest of the United States requires that such person be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Emma Lieber Herber, Arnold Herber, child or children of Arnold Herber, if any, names unknown, Hans Adolph Lieber and child or children of Hans Adolph Lieber, if any, names unknown, and each of them, in and to the trust estate created by Agreement of Peter Lieber, dated May 7, 1894, for Emma Lieber for life,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7478; Filed, May 25, 1944; 10:48 a. m.]

[Vesting Order 3655]

PETER LIEBER

In re: Trust under the will and codicils of Peter Lieber, for Laura Lieber for life; File D–28–3424; E. T. sec. 5065–D.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by The Indiana Trust Company, Trustee, 117 East Washington Street, Indianapolis, Indiana, acting under judicial supervision of the Probate Court of Marion County, State of Indiana;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

National and Last Known Address

Person or persons, names unknown, entitled to receive the estate of Laura Lieber, deceased, Germany.
Emma Lieber Herber, Germany.
Arnold Herber, Germany.
Hans Adolph Lieber, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of person or persons, names unknown, entitled to receive the estate of Laura Lieber, deceased, Emma Lieber Herber, Arnold Herber and Hans Adolph Lieber, and each of them, in and to the Trust under the Will and Codicils of Peter Lieber, for Laura Lieber for life,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7479; Filed, May 25, 1944; 10:48 a. m.]

[Vesting Order 3656]

GERHARD OVEL

In re: Trust under the will of Gerhard Ovel, deceased; File D–28–2369; E.T. sec. 4286.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Joseph A. Ritter, West Point, Nebraska, Trustee, acting under the judicial supervision of the County Court of the State of Nebraska, in and for the County of Cuming;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Caroline Schepers, Germany.
Johanna Nemann, Germany.
Anna Preun, Germany.
Rosa Wolbers, Germany.
Ignatz Wolbers, Germany.
Gerhard Upsing, Germany.
Herman Upsing, Germany.
Joseph Upsing, Germany.
Anna Upsing, Germany.
Katarina Upsing, Germany.

The heirs, names unknown, of Caroline Schepers, Johanna Nemann, Anna Preun, Rosa Wolbers, Ignatz Wolbers, Gerhard Upsing, Herman Upsing, Joseph Upsing, Anna Upsing, and Katarina Upsing, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Caroline Schepers, Johanna Nemann, Anna Preun, Rosa Wolbers, Ignatz Wolbers, Gerhard Upsing, Herman Upsing, Joseph Upsing, Anna Upsing, Katarina Upsing, and the heirs, names unknown, of Caroline Schepers, Johanna Nemann, Anna Preun, Rosa Wolbers, Ignatz Wolbers, Gerhard Upsing, Herman Upsing, Joseph Upsing, Anna Upsing and Katarina Upsing, and each of them, and to the trust created by the will and codicil of Gerhard Ovel, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1 within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7480; Filed, May 25, 1944; 10:49 a.m.]

[Vesting Order 3657]

JOSEPH POHL

In re: Trust under the will of Josef Pohl, deceased; File D–28–8334; E. T. sec. 9634.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by William Downey, 967 La Clair Street, Pittsburgh, Pennsylvania, Rudolph Steeger, 716 South Braddock Avenue, Pittsburgh, Pennsylvania, and Adolph G. Frank, 363 South Evaline Street, Pittsburgh, Pennsylvania, Testamentary Trustees, acting under the judicial supervision of the Orphans' Court of Allegheny County, Pennsylvania;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Mrs. Marie Herrmann, Czechoslovakia.
Mrs. Marie Kegler, Czechoslovakia.
Person or persons, names unknown, the lawful issue of Mrs. Marie Kegler, Czechoslovakia.

And determining that—

(3) Mrs. Marie Herrmann, Mrs. Marie Kegler, and person or persons, names unknown, the lawful issue of Mrs. Marie Kegler, citizens or subjects of a designated enemy country, Germany, and within an enemy occupied area, Czechoslovakia, are nationals of a designated enemy country, Germany.

(4) To the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of Mrs. Marie Herrmann, Mrs. Marie Kegler, and person or persons, names unknown, the lawful issue of Mrs. Marie Kegler, and each of them, in and to the trust created under the will of Josef Pohl, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a re-

quest for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7481; Filed, May 25, 1944; 10:51 a. m.]

[Vesting Order 3658]

GEORGE WATANABE

In re: Guardianship estate of George Watanabe, a minor; File: F–39–2173; E. T. sec. 4910.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described in sub-paragraphs (a) and (b) are property which is in the process of administration by Bank of America National Trust & Savings Association, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests described in sub-paragraph (a) are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

George Watanabe, Japan.

(3) The property and interests described in subparagraph (b) are property within the United States owned by a national of a designated enemy country, Japan, namely,

National and Last Known Address

George Watanabe, Japan.

And determining that—

(4) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

(a) All right, title, interest and claim of any kind or character whatsoever of George Watanabe, in and to the Guardianship Estate of George Watanabe, a Minor, in the possession of Bank of America National Trust & Savings Association, Guardian.

(b) All that real property, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens and encumbrances and other rights of record, situated in Los Angeles County, State of California, and particularly described as follows:

One-third interest in and to a portion of Lot 1, Tract 1750, County of Los Angeles, State of California, as per map recorded in Book 20, Page 157, of Maps, in the Recorder's Office of said County, described as follows: Commencing at a point on the W. line of said Lot 1, distant 150 ft. S. from the NW corner thereof; thence E. and parallel with the N. line of said Lot 85 ft., thence S. and parallel with the W. line of said Lot 20 ft., thence W. and parallel with the said N. line to the W. line of said lot; thence along the said W. line to the point of beginning.

One-third interest in and to that portion of Lot 1, Tract 1750, County of Los Angeles, State of California, as per map recorded in Book 20, Page 157 of Maps, in the Recorder's Office of said County, described as follows: Commencing at a point on the W. line of said Lot 1, distant 100 ft. S. from the NW corner thereof; thence E. and parallel with the N. line of said Lot 85 ft., thence S. and parallel with the W. line of said Lot 50 ft., thence W. and parallel with the said N. line to the W. line of said Lot; thence N. along the said W. line to the point of beginning.

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7482; Filed, May 25, 1944; 10:51 a. m.]

[Vesting Order 3659]

MARTHA MASAKO WATANABE

In re: Guardianship Estate of Martha Masako Watanabe, a Minor; File: F–66–112; E.T. sec. 4802.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Security-First National Bank of Los Angeles, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Martha Masako Watanabe, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Martha Masako Watanabe, in and to the Guardianship Estate of Martha Masako Watanabe, a Minor, in the possession of Security-First National Bank of Los Angeles, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7483; Filed, May 25, 1944; 10:51 a. m.]

[Vesting Order 3660]

YOSHIKO WATANABE

In re: Guardianship Estate of Yoshiko Watanabe, a Minor; File: F–66–113; E.T. sec. 4803.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by Security-First National

Bank of Los Angeles, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, a national of a designated enemy country, Japan, namely,

National and Last Known Address

Yoshiko Watanabe, Japan.

And determining that—

(3) If such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, Japan; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Yoshiko Watanabe, in and to the Guardianship Estate of Yoshiko Watanabe, a Minor, in the possession of Security-First National Bank of Los Angeles, Guardian,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7484; Filed, May 25, 1944; 10:52 a. m.]

[Vesting Order 3661]

JULIUS G. O. ZEHNTER

In re: Trusts under the will of Julius G. O. Zehnter, deceased; File D–28–2391; E. T. sec. 4331.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by the Union Trust Company, One West Main Street, Madison, Wisconsin, Testamentary Trustee, acting under the judicial supervision of the County Court of Dane County, Madison, Wisconsin;

(2) Such property and interests are payable or deliverable to, or claimed by, agencies or instrumentalities of a designated enemy country, Germany, namely,

University of Berlin, Berlin, Germany
University of Marburg, Marburg, Germany

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest, and claim of any kind or character whatsoever of University of Berlin and University of Marburg, and each of them, in and to the trust estates created by the will of Julius G. O. Zehnter, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7485; Filed, May 25, 1944; 10:52 a. m.]

[Vesting Order 3662]

GOTTFRIED ZOLL

In re: Estate of Gottfried Zoll, deceased; File: D–28–8612; E. T. sec. 10291.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order 9095, as amended, and pursuant to law, the Alien Property Custodian after investigation,

Finding that—

(1) The property and interests hereinafter described are property which is in the process of administration by John F. Poole, Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

(2) Such property and interests are payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Hans M. Zoll, and the other six children, names unknown, of Konrad Zoll, deceased, Germany.

And determining that—

(3) If such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, Germany; and

Having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive order or act or otherwise, and deeming it necessary in the national interest,

Now, therefore, the Alien Property Custodian hereby vests the following property and interests:

All right, title, interest and claim of any kind or character whatsoever of Hans M. Zoll, and the other six children, names unknown, of Konrad Zoll, deceased, and each of them, in and to the Estate of Gottfried Zoll, deceased,

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC–1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of said Executive order.

Dated: May 15, 1944.

[SEAL] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44–7486; Filed, May 25, 1944; 10:52 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Supplementary Order ODT 20A–123]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN CARBONDALE AND MURPHYSBORO, ILL., AREA

Upon consideration of a plan for joint action filed with the Office of Defense

Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Carbondale and Murphysboro, Illinois, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Cairo, Illinois, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–123" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Cairo, Illinois.

8. This order shall become effective May 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Yellow Taxicabs, Carbondale, Ill.
Yellow Cab Taxi Service, Murphysboro, Ill.

[F. R. Doc. 44–7408; Filed, May 24, 1944; 10:46 a. m.]

[Supplementary Order ODT 20A–124]

CERTAIN TAXICAB OPERATORS

COORDINATED OPERATIONS IN DURHAM, N. C., AREA

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof (hereinafter called "operators") pursuant to General Order ODT 20A (8 F.R. 9231), a copy of which plan is attached hereto as Appendix 2,[1] and it appearing that the operators propose, by the plan, to coordinate their taxicab operations within the area of Durham, North Carolina, so as to assure maximum utilization of their facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved, and the operators are directed to place the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the operators shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order.

3. The provisions of this order shall not be construed or applied as to permit any operator named herein to alter his legal liability to any passenger. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing operating authority of any operator named herein, such operator forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the operators possessing or obtaining the requisite operating authority.

4. All records of the operators pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination with inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

5. The plan for joint action hereby approved and all contractual arrangements made by the operators to effectuate the plan shall not continue in operation beyond the effective period of this order.

6. Any operator duly authorized or permitted to operate taxicabs within the area herein described, and having suitable equipment and facilities therefor, may make application in writing to the Division of Motor Transport, Office of Defense Transportation, Raleigh, North Carolina, for authorization to participate in the plan. A copy of each such application shall be served upon each of the operators named in this order. Upon receiving authorization to participate in the plan, each such operator shall become subject to this order and shall thereupon be entitled and required to participate in the plan in accordance with all of the provisions and conditions of this order, in the same manner and degree as the operators named herein.

7. Communications concerning this order should refer to "Supplementary Order ODT 20A–124" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Raleigh, North Carolina.

8. This order shall become effective May 31, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 24th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Pine Street Taxi Service, Durham, N. C.
Hawk Taxi Company, Inc., Durham, N. C.
Biltmore Cab Company, Durham, N. C.
Starr Taxi, Durham, N. C.
Hill Side Taxi Service, Durham, N. C.
Royal Cab Company, Durham, N. C.
Dixie Cab Company, Durham, N. C.
Eagle Taxi Service, Durham, N. C.
Carolina Cab Company, Durham, N. C.

[F. R. Doc. 44–7409; Filed, May 24, 1944; 10:46 a. m.]

[1] Filed as part of the original document.

[Special Order ODT B–13A]

OPERATIONS BETWEEN BOSTON, MASS., AND ST. STEPHEN, NEW BRUNSWICK

COMMON CARRIERS

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, and 9156, and War Production Board Directive 21; and in order to secure maximum use of existing transportation facilities; to conserve and providently utilize vital equipment, material, and supplies; to prevent possible traffic congestion, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; and being satisfied that the fulfilment of requirements for the defense of the United States will result in shortage of transportation materials and facilities for defense and for private account, *It is hereby ordered*, That:

1. Eastern Greyhound Lines of New England (division of The Greyhound Corporation), Cleveland, Ohio, Boston & Maine Transportation Company, Boston, Massachusetts, and Maine Central Transportation Company, Portland, Maine (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Boston, Massachusetts, and St. Stephens, New Brunswick, as common carriers by motor vehicle, shall:

(a) Honor each other's tickets between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of time of departure of the respective carriers;

(c) Wherever practicable, eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against any such carriers.

2. Eastern Greyhound Lines of New England shall:

(a) Suspend service on its routes between Boston, Massachusetts, and Concord, New Hampshire, and between Portland, Maine, and Belfast, Maine.

(b) Operate no service between Belfast, Maine, and Bangor, Maine;

(c) Accept and transport in intrastate and interstate commerce between Portland, Maine, and St. Stephens, New Brunswick, and intermediate points, all passengers presenting themselves for transportation to the extent of the maximum carrying capacity of the equipment used in such service.

3. Unless otherwise authorized by the Directors, Division of Local Transport, Office of Defense Transportation,

(a) Eastern Greyhound Lines of New England shall not operate in excess of 7 scheduled round trips daily between Boston, Massachusetts, and Portland, Maine;

(b) Eastern Greyhound Lines of New England shall not operate in excess of 2 scheduled round trips daily between Portland, Maine, and Bangor, Maine;

(c) Eastern Greyhound Lines of New England shall not operate in excess of 1 scheduled round trip daily between Bangor, Maine, and St. Stephens, New Brunswick;

(d) Boston & Maine Transportation Company shall not operate in excess of 9 scheduled round trips daily between Boston, Massachusetts, and Portland, Maine;

(e) Maine Central Transportation Company shall not operate in excess of 3 scheduled round trips daily between Portland, Maine, and Bangor, Maine, via Augusta, Maine;

(f) Maine Central Transportation Company shall not operate in excess of 1 scheduled round trip daily between Bangor, Maine, and St. Stephens, New Brunswick;

(g) The time of departure and time of arrival on schedules operated by the Boston & Maine Transportation Company and Eastern Greyhound Lines of New England between Boston, Massachusetts, and Portland, Maine, in effect on May 1, 1944, shall not be changed or altered without the mutual consent of the carriers operating such schedules.

4. Unless first authorized by the Public Utilities Commission, State of Maine, the departure and arrival times on schedules operated by Eastern Greyhound Lines of New England and Maine Central Transportation Company between Portland, Maine, Bangor, Maine, and St. Stephens, New Brunswick, in effect on May 1, 1944, shall not be changed or altered, and no more than one bus shall be operated on each scheduled trip.

5. The carriers forthwith shall file with the Interstate Commerce Commission in receipt of transportation in interstate or foreign commerce, and with each appropriate state regulatory body in respect of transportation in intrastate commerce, and publish in accordance with law, and continue in effect until further order, tariffs, or appropriate supplements to filed tariffs, setting forth any changes in the fares, charges, operations, rules, regulations, and practices of each carrier which may be necessary to accord with the provisions of this order, together with a copy of this order; and forthwith shall apply to said Commission and each such regulatory body for special permission for such tariffs or supplements to become effective on one day's notice.

6. Communications concerning this order should be addressed to the Director, Division of Local Transport, Office of Defense Transportation, Washington, D. C., and should refer to "Special Order ODT B–13A."

This Special Order ODT B–13A shall become effective June 4, 1944, and shall remain in full force and effect until June 1, 1945, or such earlier time as the Office of Defense Transportation by further order may designate.

Special Order ODT B–13 is hereby revoked.

Issued at Washington, D. C., this 25th day of May 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44–7470; Filed, May 25, 1944; 10:42 a. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 188, Amdt. 38 to Order A–1]

GYPSUM WALL BOARD, LATH AND SHEATHING

MODIFICATION OF MAXIMUM PRICES

Amendment No. 38 to Order No. A–1 under § 1499.159b of Maximum Price Regulation No. 188. Manufacturers' maximum prices for specified building materials and consumers' goods other than apparel. Modification of maximum prices in Maximum Price Regulation No. 188.

An opinion accompanying this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Paragraph (a) (13) of Order No. A–1 is amended to read as follows:

(13) *Modification of maximum prices for gypsum wall board, lath and sheathing*—(i) *Manufacturers' sales.* Manufacturers' sales of gypsum wall board, lath and sheathing or laminated gypsum products may be made at prices not exceeding the maximum prices specified below when the following conditions have been met:

(*a*) The sale is made f. o. b. at a mill located within the shipping-point originating territory set forth below;

(*b*) The sale must be made:

(*i*) To the War Department, the Navy Department, the Maritime Commission, the Federal Public Housing Authority or the Federal Works Agency;

(*ii*) To any lumber or building material dealer holding a War Production Board priority rating of AA–3 or higher for the purchase of gypsum board products on behalf of any of these designated government agencies; or

(*iii*) To a lumber or building material dealer holding a War Production Board priority rating of AA–3 or higher and the National Housing Agency Allotment symbol "H–1" for the purchase of gypsum board products.

(*c*) The gypsum wall board, lath or sheathing or laminated gypsum products must be for use on a "government project", or a project bearing the symbol "H–1"; and

(*d*) The gypsum wall board, lath or sheathing or laminated gypsum products must be destined for use in California, Arizona, Oregon, or Washington.

Shipping point origin.—Indiana, Iowa, Michigan, Oklahoma, Texas, Ohio:

	Per M sq. ft.
Gypsum wall board ¼"----------	$20.00
Gypsum wall board ⅜"----------	23.00
Gypsum wall board ½"----------	25.00
Gypsum lath----------	13.00

	Per M sq. ft.
Gypsum sheathing ½"	$20.00
Gypsum sheathing (weatherproof treated) ½"	22.50
Gypsum board roof units (laminated) ¾"	51.00
Gypsum board roof units (laminated) 1"	55.00
Gypsum board roof units (laminated) 1½"	85.00
Gypsum board roof units (laminated) 2"	120.00
Gypsum board siding (laminated) ¾"	51.00
Gypsum board siding (laminated) 1"	55.00
Gypsum board siding, weatherproof treated (laminated) 1"	60.00
Gypsum board, partition panel, (laminated) 1"	55.00
Gypsum board, partition panel, (laminated) 1½"	90.00

(ii) *Dealers' sales.* Any lumber or building material dealer holding a War Production Board priority rating of AA–3 or higher for the purchase of gypsum board products on behalf of any of the government agencies designated in subdivision (i) (*b*) (*i*) or to a dealer holding a War Production Board priority rating of AA–3 or higher and the National Housing Agency Allotment symbol "H–1" for the purchase of gypsum board products, who purchases gypsum wall board, lath or sheathing or laminated gypsum products for use within the States of California, Arizona, Oregon or Washington from a manufacturer located at any of the shipping point origins specified above, may add to his cost, at such shipping point, the actual cost of transportation from such shipping point to destination plus the same dollars-and-cents mark-up as he would add on a shipment originating at a mill located within the State of California for a comparable sale.

(iii) Every manufacturer making sales subject to this subparagraph (13) shall submit on or before the 15th day of each month after May 26, 1944, to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a monthly report showing:

The name and address of each purchaser or dealer
Point of origin of shipment
Kind, quantity and thickness sold
The name and location of job.

(iv) Every lumber or building material dealer making sales subject to this subparagraph (13) shall submit on or before the 15th day of each month after May 26, 1944, to the Office of Price Administration, Building Materials Price Branch, Washington 25, D. C., a monthly report showing:

The name and address of each purchaser
Point of origin of shipment and name of manufacturer
Kind, quantity and thickness sold
The name and location of job.

(v) The term "government project" used in this subparagraph (13) shall mean a project constructed pursuant to a contract entered into with any of the following government agencies or any subcontract thereunder; The War and Navy Departments, the Maritime Commission, the Federal Public Housing Authority or the Federal Works Agency.

(vi) This subparagraph (13) may be revoked at any time.

This Amendment No. 38 shall become effective May 26, 1944, and shall terminate July 1, 1944, unless otherwise extended by amendment.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7506; Filed, May 25, 1944; 11:33 a. m.]

[MPR 244, Amdt. 7 to Order 16]

LAKEY FOUNDRY AND MACHINE CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 7 to Order No. 16 under § 1421.157 (a) of Maximum Price Regulation 244. Gray iron castings; Docket No. 3244–102.

For the reasons set forth in the opinion issued simultaneously herewith, it is hereby ordered that Order No. 16 under § 1421.157 (a) of Maximum Price Regulation 244 be, and it hereby is, amended as follows:

1. The undesignated paragraph in paragraph (a) of Order No. 16, as amended, beginning with the words "And it is further ordered", is amended to read as follows:

And it is further ordered that Lakey Foundry and Machine Company, Muskegon, Michigan, shall (1) refund to its purchasers any payments they have made to it for gray iron castings delivered on and after December 1, 1943, which are in excess of the maximum prices specified in Order No. 16, as amended by Amendment No. 6, one half of the applicable refunds to each purchaser to be made not later than July 12, 1944, and the other half to be made not later than October 12, 1944, and (2) file statements with the Iron and Steel Branch of the Office of Price Administration, Washington, D. C., not later than July 12, 1944, and October 12, 1944, to the effect that such refunds have been made and stating the dollar amounts of said refunds to each of its purchasers.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued and effective this 25th day of May 1944.

CHESTER BOWLES,
Administrator,

[F. R. Doc. 44–7507; Filed, May 25, 1944; 11:34 a. m.]

[MPR 136, Amdt. 1 to Order 38]

EISEMANN CORPORATION

ADJUSTMENT OF MAXIMUM PRICES

Amendment No. 1 to Order No. 38 under Maximum Price Regulation No. 136 as amended. Machines and parts and machinery services; Docket No. 3136–254.

Pursuant to § 1390.25a of Maximum Price Regulation 136, as amended, it is hereby ordered that Order No. 38 under Maximum Price Regulation No. 136, as amended, adjusting maximum prices for magneto assemblies manufactured by the Eisemann Corporation, Brooklyn, New York, be amended by adding the following items under the respective applicable column headings contained in such order:

Model, Assembly Number, and Applicant's	*New Maximum Price*
RC–2Q; 23,919;	$20.00.
RC–4; 24,381;	$16.00.

This order may be revoked or amended by the Office of Price Administration at any time.

This order shall become effective May 26, 1944.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 25th day of May 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44–7508; Filed, May 25, 1944; 11:34 a. m.]

Regional and District Office Orders.

[Region IV Order G–17 Under RMPR 122, Amdt. 17]

SOLID FUELS IN ALABAMA

Amendment No. 17 to Order No. G–17 under Revised Maximum Price Regulation No. 122. Solid fuels sold and delivered by dealers. Appendix XII. Maximum prices for solid fuels in Birmingham, Tarrant City, Fairfield, Homewood, Mountain Brook, Bessemer, Leeds, Irondale, Lipscomb, and Brighton in the State of Alabama.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122 and by paragraph (e) of Order No. G–17, *It is hereby ordered,* That paragraph (m) of said Order No. G–17 be amended by adding a new subparagraph thereto, designated (m) (12), to read as set forth below:

(m) * * *

(12) *Appendix XII; Maximum prices for specified solid fuels in cities of Birmingham, Tarrant City, Fairfield, Homewood, Mountain Brook, Bessemer, Leeds, Irondale, Lipscomb, and Brighton, in the State of Alabama.* The maximum prices for specified solid fuels sold and delivered within the corporate or township limits of the cities or towns set forth in the caption to this subparagraph (m) (12) and the area lying within twenty miles of said limits by the most direct highway route shall be as follows:

(i) *"Direct delivery or domestic" basis.* (Dealers must determine their source of supply as to each size or classification of solid fuel by reference to Maximum Price Regulation No. 120, as amended, and thus determine their maximum prices by reference to the price list set forth below.)

BITUMINOUS COALS FROM DISTRICT NO. 13

	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
ALL LUMP AND DOUBLE SCREENED EGG COALS (SIZE GROUPS 1 TO 5 INCLUSIVE)			
(From mines in price group No. 8, Sub District No. 1)	$10.20	$5.35	$2.80
(From mines in price groups Nos. 6, 7, Sub District No. 1.) (Exceptions: Mine Index Nos. 11, 13, 212, 1733, Sub District No. 1.)(Trucked from mines in price groups Nos. 1, 2, Sub District No. 2.) (Exceptions: All mine index numbers excepted, Sub District No. 2)	8.90	4.70	2.48
(From mines in price group No. 9, Subdistrict No. 1.) (Exceptions: Mine Index Nos. 56, 69, Subdistrict No. 1.) (Trucked from mines in price group Nos. 3, 5, Subdistrict No. 2)	8.15	4.33	2.29
(From mines in price group Nos. 3, 4, Subdistrict No. 1.) (Exceptions: Mine Index Nos. 35, 53, 68, Subdistrict No. 1.) (Trucked from mines in price groups Nos. 4, 6, 7, Subdistrict No. 2)	7.50	4.00	2.13
(From mines in price group No. 1, Subdistrict No. 1)	7.00	3.75	2.00
NUT AND CHESTNUT SIZE GROUPS 6, 8, 10 WASHED			
(From mines in price group No. 8, Subdistrict No. 1)	8.80	4.65	2.45
(From mines in price group Nos. 6, 7, Subdistrict No. 1.) (Exceptions: Mine Index Nos. 11, 13, 21, 212, 1733, Subdistrict No. 1)	8.40	4.45	2.35
(Trucked from Mines in Price Groups Nos. 1, 2, 3, Sub District No. 2.)(Exceptions: All Mine Index Numbers Excepted Sub District No. 2.) (From Mines in Price Group No. 9, Sub District No.1.) (Exceptions: Mine Index Nos. 56, 69, Sub District No. 1) (Trucked from Mines in Price Groups Nos. 4, 5, Sub District No. 2)	7.95	4.23	2.24
(From Mines in Price Group Nos. 3, 4, Sub District No. 1.) (Exceptions: Mine Index Nos. 35, 53, 68, Sub District No. 1.) (Trucked from Mines in Price Groups Nos. 6, 7, Sub District No. 2.)	7.40	3.95	2.10
(From Mines in Price Group No. 1, Sub District No. 1.)	7.00	3.75	2.00
NUT AND CHESTNUT SIZE GROUPS 7, 9, 11, RAW			
(From Mines in Price Group No. 8, Sub District No. 1.)	8.70	4.60	2.42
(From mines in price groups Nos. 6, 7, Sub District No. 1). (Exceptions: Mine Index Nos. 11, 13, 21, 212, 1733, Sub District No. 1.) (Trucked from mines in price groups Nos. 1, 2, 3, Sub District No. 2.) (Exceptions: All Mine Index Numbers Excepted, Sub District No. 2)	8.30	4.40	2.32
(From mines in price group No. 9, Sub District No. 1.) (Exceptions: Mine Index Nos. 56, 69, Sub District No. 1.) (Trucked from mines in price groups Nos. 4 and 5, Sub District No. 2)	7.85	4.18	2.21
(From mines in price groups Nos. 3, 4, Sub District No. 1.) (Exceptions: Mine Index Nos. 35, 53, 68, Sub District No. 1.) (Trucked from mines in price groups 6 and 7, Sub District No. 2)	7.35	3.93	2.09
(From mines in price group No. 1, Sub District No. 1)	6.90	3.70	1.98
MINE RUN AND RESULTANTS OVER 3"—SIZE GROUPS 12, 14, 15, AND 16, WASHED			
(From Mines in Price Groups Nos. 3, 4, 6, 7, 8, 9, Sub District No. 1.) (Exceptions: Mine Index Nos. 11, 56, 212, 13, 21, 69, 1942, 1733, Sub District No. 1.) (Trucked from Mines in Price Groups Nos. 1, 2, 3, 4, 5, 6, 7, Sub District No. 2.) (Exceptions: All Mine Index Numbers Excepted, Sub District No. 2.)	7.80	4.15	2.20
(Exceptions: Mine Index Nos. 35, 68, 53, Sub District No. 1.)	7.30	3.90	2.08

BITUMINOUS COALS FROM DISTRICT NO. 13—Con.

	Per ton 2,000 lbs.	Per ½ ton 1,000 lbs.	Per ¼ ton 500 lbs.
MINE RUN AND RESULTANTS OVER 3"—SIZE GROUPS 12, 14, 15, AND 16, WASHED—Con.			
(From Mines in Price Group No. 1, Sub District No. 1.)	$6.95	$3.73	$1.99
MINE RUN AND RESULTANTS OVER 3" SIZE GROUPS 13, 19, 20, 21, RAW			
(From Mines in Price Group No. 8, Sub District No. 1.) (Exceptions: Mine Index No. 1733, Sub District No. 1.) (Trucked from Mine—Exception: Mine Index Nos. 3, 4, Sub District No. 2.)	7.80	4.15	2.20
(From mines in price groups Nos. 3, 4, 6, 7, 9, Sub District No. 1.) (Exceptions: Mine Index Nos. 11, 56, 212, 13, 21, 69, 1492.) (Trucked from mines in price groups Nos. 1, 2, 3, 4, 5, 6, 7, Sub District No. 2.) (Exceptions: Mine Index Nos. 7, 9, 11, 12, 1420, 18, 21, 6, 8, 17, 510, 1543, 22, 23, 1306, 1672, Sub District No. 2)	7.55	4.03	2.14
(Exceptions: Mine Index Nos. 35, 53, Sub District No. 1)	7.15	3.83	2.04
(From mines in price group No. 1, Sub District No. 1)	6.85	3.68	1.96
RESULTANTS AND SCREENINGS 3" AND UNDER SIZE GROUPS 17, 18, WASHED			
(From mines in price group No. 7, Sub District No. 1.) (Exceptions: Mine Index Nos. 21, 1733, Sub District No. 1.) (Exceptions: Mine Index Nos. 18, 21, 22, 23, 1306, 1672, Sub District No. 2)	7.80	4.15	2.20
(From mines in price groups Nos. 3, 4, 6, 8, 9, Sub District No. 1.) (Exceptions: Mine Index Nos. 11, 56, 68, 212, 13, 69, Sub District No. 1.) (Trucked from mines in price groups Nos. 1, 2, 3, 4, 5, 6, 7, Sub District No. 2.) (Exceptions: Mine Index Nos. 3, 4, 7, 9, 11, 12, 6, 8, 17, 510, 1543, 1240, Sub District No. 2)	7.50	4.00	2.13
(Exceptions: Mine Index Nos. 35, 53, Sub District No. 1)	7.15	3.83	2.04
(From mines in price group No.1, Sub District No. 1)	6.90	3.70	1.98
RESULTANTS AND SCREENINGS 3" AND UNDER SIZE GROUPS 22, 23, RAW			
(From mines in price group No. 7, Sub District No. 1.) (Exceptions: Mine Index Nos. 21, 1733, Sub District No. 1)	7.55	4.03	2.14
(From mines in price groups Nos. 3, 4, 6, 8, 9, Sub District No. 1.) (Exceptions: Mine Index Nos. 11, 56, 212, 13, 68, 35, 69, Sub District No. 1.) (Trucked from Mines in Price Groups Nos. 1, 2, 3, 4, 5, 6, 7, Sub District No. 2.) (Exceptions: All Mine Index Nos. Excepted, Sub District No. 2)	7.40	3.95	2.10
(From mines in price group No. 1, Sub District No. 1)	6.85	3.68	1.96
COKE—SIZE			
Stove	8.90	4.70	2.48
Stove-Nut	8.90	4.70	2.48
Nut	8.55	4.53	2.39
Nut-Chestnut	8.05	4.28	2.26
Chestnut	7.55	4.03	2.14

(ii) *Special sales and services*—(a) *Yard sales.* When consumers pick up coal at the dealer's yard, the dealer must reduce his price $1.00 per ton. When other dealers pick up coal at the dealer's yard, the dealer must reduce his price $1.50 per ton, except as provided in the next paragraph.

When other dealers pick up coal at Empire Coal Yards, Empire Coal Yards must reduce its price on Egg and Nut Coals $2.10 per ton, and on Resultants $2.40 per ton.

(b) *Chemical, oil or waxing treatment.* When the mine supplying a dealer with coal has made an authorized additional charge for chemical, oil or waxing treatment to allay dust or prevent freezing, the dealer may add to the prices provided in (i) above the sum of 15¢ per ton for coal thus treated and charged for by the mine.

(c) *Sack coal.* For coal sold in 100 pound sacks, the dealer may charge not more than 50¢ at the yard plus 15¢ if the dealer furnishes the sack and 60¢ delivered plus 15¢ if the dealer furnishes the sack.

(d) *Quantity.* On sales of twenty tons or more in less than carload deliveries of two tons or more, the dealer must reduce his price set forth in (i) above 50¢. On carload sales of coal, the dealer may charge not more than the mine price plus freight plus $1.25 per ton.

(e) *Delivery zone.* The dealer may make no extra charge for delivery within the corporate limits of the city or township in which his place of business is located or within five miles from the corporate or township limits of such city or town. For deliveries beyond the free delivery zone thus described but within the area described in (m) (12) above, the dealer may charge not more than 10¢ per ton per mile with a minimum charge of 50¢ for such delivery.

(f) *Carry or wheel service.* If the buyer requests such service, the dealer may charge not more than 75¢ per ton for such service.

(g) *Tax.* The State sales tax may be added to the prices established by this order as well as the transportation tax of 4¢ per ton.

(h) *Credit.* No additional charge over the prices provided in this appendix may be made for the extension of credit.

This Amendment No. 17 to Order No. G–17 shall become effective May 15, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued May 9, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44–7392; Filed, May 23, 1944; 4:54 p. m.]

[Region IV Order G–3 Under MPR 280, Amdt. 1]

FLUID MILK IN ATLANTA REGION

Amendment 1 to Order No. G–3 under Maximum Price Regulation No. 280 as amended. Maximum prices for specific food products. Maximum prices for interhandler sales of bulk fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region IV of the Office of Price Administration by § 1351.817a of Maximum Price Regulation 280 as amended, it is hereby ordered that a new paragraph (c–1) be added following paragraph (c) and that subparagraph (j) (6) be amended to read as set forth below:

(c–1) *Adjustment of fractions.* In calculating a maximum price and/or

transportation charges for sales and deliveries by handlers of fluid milk in bulk, all calculations shall be carried to the tenth of a cent.

(1) For sales and deliveries of fluid milk in bulk on an f. o. b. basis, final calculation of maximum prices shall be adjusted to the nearest ½¢ whenever the maximum price is calculated on a gallonage basis and to the nearest full cent when such calculation is on a cwt. basis.

(2) For sales and deliveries of fluid milk delivered by handlers to a place designated by the purchaser, calculations of the maximum prices for fluid milk in bulk and for "transportation charges" as determined in accordance with paragraph (c) shall each be carried to the tenth of a cent. The sum of these amounts shall be adjusted to the nearest ½¢ whenever the maximum price is calculated on a gallonage basis and to the nearest full cent when such calculation is on a cwt. basis.

In adjusting to the nearest ½¢, fractions of ¼¢ or more, and ¾¢ or more shall be adjusted to the nearest higher half or whole cent, respectively, and in adjusting to the nearest whole cent, a fraction of ½¢ or more shall be carried to the next higher whole cent.

(j) * * *

(6) *"Handler's fluid milk cost."* (i) "Fluid milk cost" of a primary handler who during July, August, and December, 1943, paid all producers on a basis of not less than $2.75 per cwt. for milk of a 4 per cent butterfat content means the price paid to producers (or the returns made to producer members of a farmers' cooperative, excluding patronage dividends), determined as follows:

The weighted average producer price (or returns to producer members of a cooperative, excluding patronage dividends) paid for milk adjusted to 3.5 per cent butterfat content f. o. b. cooling station, receiving plant or processing plant of the primary handler of all milk regardless of type, grade, utilization, or class, purchased or received directly from producers (or members of a producers' cooperative association) during the months of July, August and December, 1943, or the lowest price paid to producers (or members of a cooperative) during the month of December, 1943 for any grade or type of milk at 3.5 per cent butterfat test, whichever is higher.

(ii) "Fluid milk cost" of a primary handler who during July, August and December, 1943 paid any producer less than $2.75 per cwt. for milk of a 4 percent butterfat content means the price paid to producers (or the returns made to producer members of a farmers' cooperative, excluding patronage dividends), determined as follows: the weighted average of (1) the producer price (or returns to producer members of a cooperative, excluding patronage dividends) paid for milk adjusted to 3.5 per cent butterfat content f. o. b. cooling station, receiving plant or processing plant of the primary handler of all milk, regardless of type, grade, utilization or class, purchased or received directly from producers (or members of a producers' cooperative association) during the months of July, August and December, 1943 for which the handler paid not less than $2.75 per cwt. for milk of 4 per cent butterfat content and (2) the actual producer price paid for all milk regardless of type, grade, utilization or class purchased or received directly from producers (or members of a producers' cooperative association) at any time at a price which reflects less than $2.75 per cwt. for milk of a 4 per cent butterfat content, or the lowest price paid to producers (or members of a cooperative) during the month of December, 1943 for any grade or type of milk at 3.5 per cent butterfat test, whichever is higher.

(iii) "Fluid milk cost" of an intermediate handler means the cost of milk to him f. o. b. his cooling station, receiving plant, or processing plant. This cost must be computed for that portion of milk actually purchased from a primary handler regardless of sale or distribution by the intermediate handler.

This order shall become effective May 9, 1944.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued: May 4, 1944.

ALEXANDER HARRIS,
Regional Administrator.

[F. R. Doc. 44-7391; Filed, May 23, 1944; 4:53 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

ROCHESTER GAS AND ELECTRIC CORPORATION

[File 70-897]

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of May 1944.

Notice is hereby given that an application or declaration (or both) has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by Rochester Gas and Electric Corporation, a subsidiary of NY PA NJ Utilities Company, a registered holding company. All interested persons are referred to said application or declaration, which is on file in the offices of the said Commission, for a statement of the transaction therein proposed, which is summarized below:

Rochester Gas and Electric Corporation proposes to redeem, as at September 1, 1944, at the redemption price of $105 plus accrued dividends to the date of redemption, 40,000 shares (to be chosen by lot) of its outstanding 160,000 shares of $100 par value Series D 6% Cumulative Preferred Stock.

Applicant or declarant has designated section 12 (c) of the Act and Rule U-42 as applicable to the proposed transaction. Applicant or declarant further states that no regulatory authority other than this Commission has jurisdiction over the proposed transaction.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to such matter:

It is ordered, That a hearing on such matter under the applicable provisions of said act and the rules of the Commission thereunder be held on June 7, 1944, at 10:00 a. m., e. w. t., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing will be held. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file with the Secretary of this Commission, on or before June 5, 1944, his request or an application therefor as provided in Rule XVII of the rules of practice of the Commission.

It is further ordered, That Robert P. Reeder, or any other officer or officers of the Commission designated for that purpose, shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That, without limiting the scope of the issues presented by the said application or declaration, particular attention be directed at such hearing to the following matters and questions:

1. Whether the proposed transaction is necessary or appropriate in the public interest or in the interest of investors or consumers;

2. The propriety of the proposed accounting treatment on the books of the applicant or declarant;

3. What terms and conditions, if any, are necessary or appropriate in the public interest or the interest of investors and consumers to insure compliance with the applicable provisions of the Public Utility Holding Company Act of 1935, or any rules, regulations, or orders promulgated thereunder;

4. Generally, whether the proposed transaction complies with the applicable provisions of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder and is not detrimental to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-7450; Filed, May 24, 1944; 12:01 p. m.]

[File 70-891]

DALLAS RAILWAY & TERMINAL CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Penn-

sylvania, on the 22d day of May A. D. 1944.

Dallas Railway and Terminal Company, a non-utility subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application and amendments thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 seeking exemption from the provisions of sections 6 (a) and 7 of the Act of the issue and sale, in accordance with Rule U-50 promulgated under said Act, of $3,000,000 aggregate principal amount of First Mortgage Serial Bonds to mature in equal amounts of $200,000 on June 1 of each year from 1945 to 1959, inclusive, the proceeds of the sale of said bonds to be applied together with treasury cash to redeem Dallas' presently outstanding 6% First Mortgage Gold Bonds; and

A public hearing having been held after appropriate notice and the Commission having considered the record and having made and filed its findings and opinion herein;

It is ordered, That said application, as amended, be, and the same hereby is, granted except, however, as to the price to be paid for said bonds, the redemption prices therefor, the interest rate thereon and the underwriters' spread and its allocation, as to which matters jurisdiction be, and the same hereby is, reserved.

It is further ordered, That our order of October 5, 1942 (File No. 70-366) be, and the same hereby is, modified so as to remove the condition contained therein restricting the earned surplus of Dallas.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 44-7451; Filed, May 24, 1944; 12:01 p. m.]

WAR PRODUCTION BOARD.

SEVEN-UP—ORANGE CRUSH BOTTLING CO.

CONSENT ORDER

W. J. Bell, E. F. Steiner, and Carl L. Gibson, operating as a partnership under the name of Seven-Up—Orange Crush Bottling Company, of Chattanooga, Tennessee, are engaged in the bottling and distribution of non-alcoholic beverages, and were found in an investigation by the War Production Board to have used 15,050 gross of new closures made of restricted materials for the period from April 1, 1943, to October 1, 1943, for the bottling of non-alcoholic beverages, in excess of the quota permitted under the provisions of Conservation Order M-104, as then in effect. Said parties admit the excess use as charged by the War Production Board and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of said parties operating as a partnership under the name of Seven-Up—Orange Crush Bottling Company, of Chattanooga, Tennessee, the Regional Compliance Chief and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered*, That:

(a) W. J. Bell, E. F. Steiner, and Carl L. Gibson, operating as a partnership under the name of Seven-Up—Orange Crush Bottling Company, of Chattanooga, Tennessee, their successors and assigns, shall, during the calendar year of 1944, reduce their use of new closures made of restricted materials to be affixed to glass containers for non-alcoholic beverages by 15,050 gross under the quota it would otherwise be entitled to use in such a period, as defined by Limitation Order L-103-b, which on January 4, 1944, superseded Conservation Order M-104, controlling the use of such closures. Any exceptions to this reduction in use must be specifically authorized in writing by the War Production Board.

(b) Nothing contained in this order shall be deemed to relieve W. J. Bell, E. F. Steiner, and Carl L. Gibson, operating as a partnership under the name of Seven-Up—Orange Crush Bottling Company, of Chattanooga, Tennessee, their successors or assigns, from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(c) This order shall take effect as of the date of issuance, and shall expire on December 31, 1944.

Issued this 23d day of May 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,

[F. R. Doc. 44-7385; Filed, May 23, 1944; 4:34 p. m.]

WAR SHIPPING ADMINISTRATION.

"CHIEF JOSEPH"

DETERMINATION OF VESSEL OWNERSHIP

Notice of determination by War Shipping Administrator pursuant to section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress).

Whereas on July 27, 1942, title to the vessel "Chief Joseph" (No. 234002), (including all spare parts, appurtenances and equipment) was requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended; and

Whereas section 3 (b) of the act approved March 24, 1943 (Public Law 17—78th Congress), provides in part as follows:

> (b) The Administrator, War Shipping Administration, may determine at any time prior to the payment in full or deposit in full with the Treasurer of the United States, or the payment or deposit of 75 per centum, or just compensation therefor, that the ownership of any vessel (the title to which has been requisitioned pursuant to section 902 of the Merchant Marine Act, 1936, as amended, or the act of June 6, 1941 (Public Law 101, Seventy-seventh Congress), is not required by the United States, and after such determination has been made and notice thereof has been published in the FEDERAL REGISTER, the use rather than the title to such vessel shall be deemed to have been requisitioned for all purposes as of the date of the original taking; *Provided, however*, That no such determination shall be made with respect to any vessel after the date of delivery of such vessel pursuant to title requisition except with the consent of the owner. * * *;

and

Whereas no portion of just compensation for the said vessel has been paid or deposited with the Treasurer of the United States; and

Whereas the ownership of the said vessel, spare parts, appurtenances and equipment is not required by the United States; and

Whereas the former owner of the vessel has consented to this determination and to the return of the vessel and the conversion of the requisition of title therein to a requisition of use thereof in accordance with the above-quoted provision of law;

Now therefore, I, Emory S. Land, Administrator, War Shipping Administration, acting pursuant to the above-quoted provisions of law, do hereby determine that the ownership of said vessel, spare parts, appurtenances and equipment is not required by the United States, and that, from and after the date of publication hereof in the FEDERAL REGISTER, the use rather than title thereto shall be deemed to have been requisitioned, for all purposes, as of the date of the original taking.

[SEAL] E. S. LAND,
Administrator.

MAY 23, 1944.

[F. R. Doc. 44-7393; Filed, May 24, 1944; 9:25 a. m.]